

Gilbert Greaves April 29, 2005

Page 2

ROPES & GRAY, LLP by
MR. WILLIAM L. PATTON
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
on behalf of the Plaintiff;

KIRKLAND & ELLIS, LLP
MR. KEVIN S. UELAND
200 East Randolph Drive
Chicago, Illinois 60601
(312) 861-2000

on behalf of the Defendant;

ALSO PRESENT: Mr. James Shimota
Kirkland & Ellis, LLP;

Ms. M. Catherine Brown
Legal Videographer.

Page 4

THE VIDEOGRAPHER: Here begins videotape No. 1 in
the deposition of Gilbert Greaves in the matter of Braun
GmbH vs. Rayovac Corporation.

Today's date is April 29th, 2005. The time on
the video monitor is 10:04.

The video operator today is Catherine Brown
contracted by LegaLink Chicago. This video deposition
is taking place at Braun in Kronberg, Germany.

Would counsel please state your name for the
record and whom you represent.

MR. UELAND: Kevin Ueland from Kirkland & Ellis,
LLP, on behalf of defendant Rayovac Corporation.

MR. PATTON: Bill Patton from Ropes & Gray, Boston,
on behalf of Braun.

THE VIDEOGRAPHER: Would the court reporter please
swear in the witness.

GILBERT GREAVES,
called as a witness herein, having been first duly
sworn, was examined upon oral interrogatories and
testified as follows:

EXAMINATION

by Mr. Ueland:

Q Good morning, Mr. Greaves.

A Good morning.

Page 3

VIDEOTAPED DEPOSITION OF GILBERT GREAVES

April 29, 2005

EXAMINATION BY: PAGE
Mr. Kevin S. Ueland 4

EXHIBITS

PAGE

Deposition Exhibit No. 1	127
(previously marked)	
Deposition Exhibit No. 2	127
(previously marked)	
Deposition Exhibit No. 4	41
(previously marked)	
Deposition Exhibit No. 7	120
(previously marked)	
Deposition Exhibit No. 8	142
(previously marked)	
Deposition Exhibit No. 35	41
(previously marked)	
Deposition Exhibit No. 36	101
(previously marked)	
Deposition Exhibit No. 41	57
(previously marked)	
Deposition Exhibit No. 42	57
(previously marked)	
Deposition Exhibit No. 43	146
Deposition Exhibit No. 44	146
Deposition Exhibit No. 45	175
Deposition Exhibit No. 46	180
Deposition Exhibit No. 47	190
Deposition Exhibit No. 48	200

Page 5

Q We were introduced informally off the record,
but just allow me to re-introduce myself on the record.
My name is Kevin Ueland. And as I indicated just a
minute ago, I represent Rayovac Corporation in this
matter.

Let me first ask, have you ever been deposed
before?

A Once.

Q Once. Do you know how long ago that was?

A 10 to 15 years ago.

Q Is that -- were you working at Braun when you
were deposed?

A Yes.

Q Do you know what the nature of the dispute was?

A It was a design infringement against a hand
blender design.

Q Was it a patent infringement?

A A design infringement.

Q Okay. Was that action brought in the United
States?

A Yes.

Q Do you know where it was brought?

A No, I can't remember.

Q Was Braun the plaintiff?

2 (Pages 2 to 5)

Gilbert Greaves April 29, 2005

Page 6

1 A Braun was the plaintiff, yes.
 2 Q What was the final outcome of that lawsuit?
 3 A Braun was awarded a substantial amount of money.
 4 Q Did that design relate in any way to electric
 5 shavers?
 6 A No.
 7 Q Did it relate in any way to cleaning systems?
 8 A No.
 9 Q What did it relate to?
 10 A Hand blenders, stick mixers.
 11 Q I'm sorry?
 12 A It's a product category called a stick mixer, a
 13 hand blender, a jug blender I think they're called in
 14 the States.
 15 Q I'm sorry, it's just because I'm having a
 16 difficult time hearing you, did you say it's a -- oh, a
 17 stick mixer?
 18 A A stick mixer, yes.
 19 Q So like a hand blender?
 20 A A hand blender, correct, a hand blender.
 21 Q Did you testify at trial?
 22 A No.
 23 Q Did the matter go to trial?
 24 A The matter went to trial, yes, but I was deposed

Page 7

1 here in Kronberg.
 2 Q Okay. Although it's been -- although you've
 3 been deposed before, it's been a while, so I'll just go
 4 over some of the basic ground rules with you. As you
 5 were just sworn under oath, so it's important,
 6 obviously, that you're here to give truthful testimony.
 7 I'll ask you questions, and it's important that we
 8 understand each other.
 9 If you think of something at a later point and
 10 want to amend one of your answers, you can definitely
 11 feel free to do that. In fact, I encourage you to do
 12 that.
 13 Will you tell me if there comes a time when you
 14 want to change one of your answers because you want to
 15 clarify it?
 16 A Yes.
 17 Q That brings me to the second point. Because
 18 we're on the record here with a court reporter and the
 19 videographer, it's still important that you give verbal
 20 responses so that she can -- she can't take down a head
 21 nod or a shake of the head.
 22 A Yes.
 23 Q So it's important that you answer yes or no.
 24 There might come a time where one of my

Page 8

1 questions is unclear and you might not understand what
 2 I'm trying to get at. Will you tell me if a question is
 3 unclear and that you don't understand it?
 4 A Yes, certainly.
 5 Q Okay. The other thing is, is just in a
 6 deposition it's a little bit different from everyday
 7 conversation. In everyday conversation you have a
 8 tendency to sort of begin answering a question before
 9 the person is done finishing the question. And in this
 10 case it's important that we don't talk over each other.
 11 It makes the court reporter's job much, much easier. So
 12 I'll endeavor to try not to talk over you, and if you
 13 could please wait until my questions are finished before
 14 you give your answer, I think things will go pretty
 15 smoothly.
 16 A Good.
 17 Q Can you think of any reason whatsoever as to why
 18 you might not be able to give truthful testimony today?
 19 A I will give truthful testimony.
 20 Q Sir, is English your first or second language?
 21 A First, first language, yes.
 22 Q Okay. And so you're obviously comfortable
 23 giving the deposition in English?
 24 A Absolutely.

Page 9

1 Q Are you -- Do you speak German?
 2 A Yes, I do.
 3 Q Do you feel comfortable reading German
 4 documents?
 5 A If they're not too technical.
 6 Q Okay. Okay. But just as a basic understanding?
 7 A Yes, I'm comfortable.
 8 Q Fair.
 9 Sir, are you represented by Mr. Patton today?
 10 A Yes.
 11 Q How did it come to pass that Mr. Patton became
 12 your attorney?
 13 A I have no idea. It was appointed by Gillette, I
 14 understand, by the Gillette Company.
 15 MR. PATTON: By Braun, actually, when Mr. Greaves'
 16 deposition was noticed, we were asked to represent him
 17 in the deposition.
 18 MR. UELAND: Q Okay. So you no longer work for --
 19 A I retired a year ago in March, 2004.
 20 Q So the deposition notice or your notice of
 21 deposition came after you retired?
 22 A That is correct.
 23 Q Okay. And when you received it, then, who did
 24 you contact?

3 (Pages 6 to 9)

Page 10

1 A I was contacted by the German --
 2 MR. PATTON: Probably by Sievers.
 3 THE WITNESS: Mr. Sievers, that's right. Mr.
 4 Sievers, he called me and asked me if I would make
 5 myself available.
 6 MR. UELAND: Q Okay. And, obviously, you agreed
 7 to make yourself available?
 8 A Yes.
 9 Q At that time did you ask for a lawyer at that
 10 time?
 11 A No.
 12 Q How did it come to then to be that Ropes & Gray
 13 ended up being your attorneys?
 14 A As it's just been explained, because they
 15 represent Braun.
 16 MR. PATTON: We were asked to represent Mr. Greaves.
 17 Actually, we undertook to make Mr. Greaves available
 18 without the need to resort to the Hague convention or
 19 other measures simply by asking him if he would come and
 20 corporate to be deposed.
 21 MR. UELAND: Okay.
 22 What I guess I'm trying to figure out is, is,
 23 you know, to the extent that when the actual
 24 attorney-client relationship between you and Ropes &

Page 11

1 Gray actually started and how that came about.
 2 You no longer work for Braun or you did not
 3 work for Braun when you received the notice of
 4 deposition. And so I guess, you know, Mr. Patton, are
 5 you representing, then, that Braun asked Ropes & Gray to
 6 represent Mr. Greaves?
 7 MR. PATTON: Yes. He is a former employee, and we
 8 agreed to do so and Mr. Greaves agreed.
 9 MR. UELAND: Okay. But that representation is
 10 separate, obviously, from your representation of Braun.
 11 MR. PATTON: Yes. We represent Mr. Greaves as a
 12 deponent as well as Braun.
 13 MR. UELAND: Q Okay. When was your first
 14 conversation with any attorneys from Ropes & Gray?
 15 A This morning.
 16 Q This morning?
 17 A This morning.
 18 Q You have had no previous conversations with
 19 anyone from Ropes & Gray?
 20 A No.
 21 Q Was the communication about, you know, the time
 22 and scheduling of these depositions, who was that done
 23 through?
 24 A Mr. --

Page 12

1 MR. PATTON: It was probably Mr. Sievers.
 2 THE WITNESS: Mr. Sievers. I can't remember his
 3 name. Mr. Sievers. My exclusive communication until
 4 this morning has been with Mr. Sievers on the telephone
 5 on this subject.
 6 MR. UELAND: Q Did you meet with attorneys from
 7 Ropes & Gray this morning?
 8 A Correct, I did.
 9 Q Did you meet with both Mr. Patton and Ms. Wolf?
 10 A Yes, yes.
 11 Q When did you start meeting this morning?
 12 A Quarter past 9:00.
 13 Q Did you talk about the deposition?
 14 A Yes.
 15 Q Did they show you any documents?
 16 A They did.
 17 Q Did any of those documents help you recall any
 18 facts or circumstances about things that you might have
 19 forgotten?
 20 A No.
 21 Q So nothing helped your memory at all? You
 22 remembered all the documents they showed you in advance?
 23 A I was shown one document.
 24 Q Okay. What document did they show you?

Page 13

1 MR. PATTON: Well, in the sense that the document
 2 did not refresh Mr. Greaves' recollection, I don't think
 3 you're entitled to inquire about our preparation for the
 4 deposition.
 5 MR. UELAND: Are you instructing him not to answer?
 6 MR. PATTON: I am, yes.
 7 MR. UELAND: Q Okay. Do you know if that document
 8 was produced in the course of this litigation?
 9 A I don't.
 10 MR. UELAND: Do you want to make any representation
 11 about that?
 12 MR. PATTON: It is the document that has been
 13 produced in the litigation.
 14 MR. UELAND: Okay.
 15 Q Did you guys talk about the development of the
 16 Clean & Charge product for Braun?
 17 MR. PATTON: Well, Kevin, I don't think you're
 18 entitled to inquire about our preparation for the
 19 deposition because I think it's pretty clearly covered
 20 by privilege and work product.
 21 MR. UELAND: Are you going to instruct the witness
 22 not to answer?
 23 MR. PATTON: Yes, I will.
 24 MR. UELAND: Q Mr. Greaves, do you expect to

<p style="text-align: right;">Page 14</p> <p>1 testify at trial in this case, if this case goes to 2 trial?</p> <p>3 A I don't know. How can I know that?</p> <p>4 Q All right. Well, let me ask it this way: If 5 this case goes to trial and Braun asks you to testify on 6 the company's behalf, will you testify?</p> <p>7 A If that were to occur, yes.</p> <p>8 Q Yes, you would agree to come --</p> <p>9 A I would agree to come.</p> <p>10 Q -- to the United States to give testimony?</p> <p>11 A Yes, if it helps.</p> <p>12 Q Did you do anything else to prepare for your 13 deposition today independent of your meeting with 14 counsel?</p> <p>15 A Nothing.</p> <p>16 Q So you didn't review any documents on your own?</p> <p>17 A Absolutely not.</p> <p>18 Q Okay. Sir, can you tell me a little bit about 19 your education. I don't know, have you done all your 20 schooling in Germany?</p> <p>21 A I went to school in England.</p> <p>22 Q In England?</p> <p>23 A University in England.</p> <p>24 Q Okay. Where did you go to school in England?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q When you began working for Gillette, where were 2 you located?</p> <p>3 A Isleworth, London.</p> <p>4 Q In London?</p> <p>5 A In London, yes.</p> <p>6 Q What was your title, what were you hired to do?</p> <p>7 A I was a market research analyst.</p> <p>8 Q Can you tell me a little bit about what your 9 duties were?</p> <p>10 A In?</p> <p>11 Q As a market research analyst.</p> <p>12 A Doing surveys, writing reports. Most of the 13 surveys were done in Continental Europe on shaver usage, 14 blade usage, analyzing retail ordered reports from 15 Nielsen, standard market research.</p> <p>16 Q Did you say from Nielsen?</p> <p>17 A Yes.</p> <p>18 Q Okay. So Gillette subscribes to Nielsen's 19 services?</p> <p>20 A It did in 1966, '67.</p> <p>21 Q Do you know -- Let me ask it this way: Did 22 there ever come a time in your employment with Gillette 23 or Braun that you know of that Gillette stopped 24 subscribing to the Nielsen services?</p>
<p style="text-align: right;">Page 15</p> <p>1 A A school called Marlborough College and then I 2 went to Cambridge University.</p> <p>3 Q And did you receive a degree from Cambridge?</p> <p>4 A I did.</p> <p>5 Q And what was your degree in?</p> <p>6 A Modern and medieval language.</p> <p>7 Q Okay. Did you have any subsequent schooling?</p> <p>8 A No.</p> <p>9 Q So no graduate school?</p> <p>10 A No graduate school, no.</p> <p>11 Q Do you have any professional licenses?</p> <p>12 A You mean like a lawyer's license or --</p> <p>13 Q Right, something like that --</p> <p>14 A No, not at all.</p> <p>15 Q Accountancy, nothing like that?</p> <p>16 A No, nothing at all.</p> <p>17 Q When did you graduate from Cambridge?</p> <p>18 A 1966.</p> <p>19 Q Following your graduation from Cambridge, did 20 you begin working right away?</p> <p>21 A I joined Gillette in September, 1966.</p> <p>22 Q You said you joined Gillette separate from 23 Braun, so you worked for Gillette?</p> <p>24 A I was then transferred to Braun in August, 1979.</p>	<p style="text-align: right;">Page 17</p> <p>1 A I can't -- I don't remember.</p> <p>2 Q Do you have any reason to think that they don't 3 subscribe to those services today?</p> <p>4 A I haven't been working here for a year, so what 5 they do now, I have no idea at all.</p> <p>6 Q Did they subscribe to those services when you 7 left, do you know?</p> <p>8 A I can't remember.</p> <p>9 Q You don't remember?</p> <p>10 A I can't remember.</p> <p>11 Q As a part of your job as a market research 12 analyst, did you study competitors?</p> <p>13 A We tracked their share movements very closely, 14 obviously.</p> <p>15 Q And in addition to tracking their share 16 movements -- and by that, actually, do you mean how much 17 share of the market they had?</p> <p>18 A Correct.</p> <p>19 Q Did you track any development of new projects?</p> <p>20 A At that stage not, as a market research analyst 21 not. The work was limited to looking at the market 22 share movements of the products that were on the market.</p> <p>23 Q Okay. Is there anything else that you did that 24 you can remember besides tracking the market share of</p>

Gilbert Greaves April 29, 2005

Page 18

1 your competitors?

2 A I was writing reports and designing studies and
3 visiting countries to organize the studies, presenting
4 the results to the management.

5 Q These studies and surveys that you did, were
6 these to judge or to evaluate consumer preferences?

7 A At that stage not.

8 Q Okay.

9 A It was mostly pure tracking, tracking share
10 movements and usage habits.

11 Q Okay. Would you say that your studies were
12 designed solely to determine, I guess, what brands or
13 what products consumers were using?

14 A The bulk of the time, yes, at that stage.

15 Q Okay.

16 A At that stage of my career back in the '60s,
17 yes.

18 Q That's what you mean when you say at that stage,
19 you're talking about at that stage in your career?

20 A Correct.

21 Q And how long were you a market research analyst?

22 A Until 1969.

23 Q So approximately three years?

24 A Correct.

Page 19

1 Q Okay. Did you work in London that whole time?

2 A In market research, yes, I worked in Isleworth.

3 Q And in 1969 what happened then?

4 A Then I moved to Vienna.

5 Q And you stayed with Gillette at that time?

6 A Yes, I was still with Gillette, yes.

7 Q And did your position change?

8 A I was a product manager, became a product
9 manager, a brand manager.

10 Q A brand manager?

11 A Brand manager, yes.

12 Q What brand were you responsible for?

13 A All the products that were then sold in Austria,
14 which were razors, blades, deodorants, and felt-tipped
15 pens.

16 Q And these products were Gillette branded
17 products?

18 A They were Gillette branded products, yes.

19 Q So you were responsible for all of the Gillette
20 branded products that were sold in Austria?

21 A Yes.

22 Q And how did your responsibilities change from
23 the time that you were doing market research?

24 A You want me to describe the job of a product

Page 20

1 manager --

2 Q Yes.

3 A -- in Austria in 1969, '70?

4 Q Correct.

5 A Working with the sales force, preparing
6 promotions, making sale forecasts and demand forecasts
7 for the factory in Isleworth, launching new products,
8 writing marketing plans, developing -- rather, adapting
9 advertising campaigns for the local market, getting
10 voiceovers translated into German, standard product
11 manager work.

12 Q Okay. Some of the things you said, you were
13 responsible for sales and forecasts, is that right?

14 A Correct.

15 Q Did you also look at what your competitors were
16 doing?

17 A We would -- it was a part of the job to track
18 the prices they were selling at, the promotions they
19 were running, the advertising that they were executing,
20 that was watched very carefully, the claims they were
21 making for their products, the distribution of the
22 competitors' products and which outlets they were strong
23 in and which outlets they were weak in, very much an
24 analysis of the activities of the competitor in the

Page 21

1 Austrian market.

2 Q Did that analysis include any new products or
3 new features of products that those competitors were
4 developing?

5 A It would include noticing that maybe a new
6 product had come on the market. That fact would be
7 reported to the headquarters in London, you know, saying
8 competitor X has launched a new product with these
9 features and that would be reported to London. There
10 the experts and the technical people, however, would do
11 the detailed analysis. We didn't have the abilities to
12 do that in Austria.

13 Q Okay. When you say detailed analysis, what are
14 you referring to?

15 A Technical analysis, depending on what the
16 product was.

17 Q Okay. Can you give an example of what you mean
18 by technical analysis? Just give an example from the
19 time --

20 A Well, I'm speculating. If it was a deodorant,
21 they would analyze the chemical composition of the
22 deodorant.

23 Q Do you know if any evaluation was done --

24 A I can't remember.

6 (Pages 18 to 21)

Page 22

1 Q Let me finish the question. And this is
2 generally, do you know if in addition to the technical
3 analysis, was there any legal analysis done to determine
4 whether or not any of the developments were proprietary
5 or owned by your competitors?

6 A I don't know.

7 Q Who would know that?

8 A Somebody who was working in Isleworth in the
9 late '60s.

10 Q As a brand manager in Austria, did you ever have
11 conversations with Gillette's attorneys?

12 A I can't remember. I can't remember. I was very
13 junior.

14 Q You said that some of the things you were
15 concerned about were the claims that your competitors
16 were making, is that right, I mean --

17 A We would record -- we would inform the
18 headquarters that this is the advertising that the
19 competitors are running and they are making a claim that
20 whatever. It would just be a communication of the
21 competitive activity in the local market.

22 Q Okay. So you didn't do any evaluation, then, of
23 whether or not those claims were true?

24 A No.

Page 23

1 Q Okay. Did you know if Gillette did that?

2 A I can't give you a factually correct statement
3 on that. I just don't know.

4 Q Okay.

5 A It would be -- I could give you a speculative
6 answer.

7 Q All right. And then -- you said that you were
8 in that position from 1969 to 1970?

9 A I was in Austria and Switzerland between '69 and
10 the end of '73. I spent one year in Switzerland, moved
11 back to Austria. And in January, '74, I started working
12 for Gillette in Germany in Frankfurt.

13 Q Okay. And did your position change at all?

14 A I was still a product manager for -- it was one
15 of the blade brands, Trac II, I think.

16 Q So then your knowledge was focused on just --

17 A Just one brand. It was a much bigger market.

18 Q A particular shaving product?

19 A Correct.

20 Q You said it was a what?

21 A Trac II it was called.

22 Q Okay.

23 A It was the first twin-bladed shaver.

24 Q That's the straight razor, is that right?

Page 24

1 A It's -- what do you mean by a straight razor?

2 Q Well, you know the products at issue in this
3 case are dry shavers?

4 A This was a wet shaver, a wet shaver.

5 Q By wet shaver, do you mean, you know, with soap
6 and lather?

7 A Correct.

8 Q Okay. That's what I guess I refer to as a
9 straight razor.

10 A Okay. A straight wet shaver.

11 Q Fair enough. We can use that.

12 So at that time when you first started working
13 in Frankfurt, your responsibility was solely related to
14 wet shavers?

15 A One brand of wet shavers.

16 Q One brand of wet shavers.

17 And how long did you continue in that role?

18 A At some point in time I became what was called a
19 group brand manager. I had a group of people working
20 for me and was responsible for all the shavers on the
21 market plus, again, writing instruments.

22 Q I'm sorry?

23 A Writing instruments, Paper Mate. It was a brand
24 of writing instruments that belonged to Gillette at that

Page 25

1 time. I was -- so my area of responsibility increased.

2 Q Okay. But then it also switched over from
3 shavers to pens, essentially?

4 A Included -- well, it included, as well as.

5 Q Oh, you still had responsibility for shavers?

6 A I still had the shavers, yes.

7 Q And that was both wet and dry?

8 A No, no, no, only wet.

9 Q Only wet?

10 A Only wet.

11 Q And how long did you continue in that role?

12 A Through until about 1998. And then I had a job
13 in sales administration for one year. And then I moved
14 to Braun in August, 1979.

15 MR. PATTON: I think you may have misspoken. I
16 think -- you meant '78.

17 MR. UELAND: Q I think you said 1998.

18 A Sorry, I mean 1978, sorry. I apologize.

19 Q No problem.

20 And so then in 1979 -- I'm sorry, you said you
21 moved where?

22 A To Braun here in Kronberg.

23 Q And then when you moved to Braun here in

24 Kronberg, what products did you have responsibility for?

7 (Pages 22 to 25)

Gilbert Greaves April 29, 2005

Page 26

1 A I was product line direct for household
2 products.
3 Q What are household products?
4 A Kitchen machines, hand blenders, stick mixers,
5 coffee machines, spin juicers, press juicers, steam
6 irons. What else did we have? Food steamers. Anything
7 to do with cooking and preparing food.
8 Q Okay. And what was your title?
9 A Product line director.
10 Q Product line director?
11 A Yes.
12 Q Were you responsible at all for the development
13 of new products?
14 A Yes.
15 Q And what sort of responsibilities did you have
16 related to the development of new products?
17 A It was defining the functions, developing the
18 commercial strategy, developing the communication
19 strategy, packaging, advertising, liaising with R & D in
20 developing the products, and liaising with the sales
21 organizations in the markets in the selling and
22 marketing. And business management, was the product
23 line director within business management, had the
24 overall responsibility for the commercial performance of

Page 27

1 the product line, so return on investment, return on
2 assets, et cetera.
3 Q In your evaluation of, you know, some of the
4 things that you said, developing the marketing strategy
5 and communicating, advertising, did you look at consumer
6 preferences for what features in household products they
7 might desire?
8 A That was part of the process of defining new
9 products, what the consumers want, what features do they
10 like, what features do they not like using standard
11 market research techniques.
12 Q How is that done in Braun, the standard market
13 research techniques? I'm not familiar with them, so if
14 you could tell me just generally, is that done in-house?
15 A May I make a qualifying statement?
16 Q Sure.
17 A I retired a year ago.
18 Q Fine.
19 A And I moved out of business management in 1997.
20 So anything I might say, I can tell you what I did then.
21 Whether that's what Braun is doing now I can't -- I
22 might give you inaccurate information.
23 Q I understand. Please, can you answer the
24 question?

Page 28

1 MR. PATTON: Is there a time frame?
2 MR. UELAND: Q At the time that he was there --
3 MR. PATTON: In 1979?
4 MR. UELAND: Q Yes.
5 A When I was in business management?
6 Q Yes.
7 A Well, we would do --
8 Q Well, let me ask you -- first before I say that,
9 you said you left business management in 1997?
10 A Correct.
11 Q Did the general market research techniques, did
12 those standard market research techniques that you
13 referred to, did they change at all between 1979 and
14 1997?
15 A Yes, they were constantly evolving and
16 developing. And I assume they still are.
17 Q In what way do you think that they were evolving
18 or developing?
19 A The ways in which group discussions we used the
20 various testing methods. They all became more
21 sophisticated.
22 Q Okay. So the surveys that you might use might
23 become more sophisticated or the development of group
24 dynamic and who you're surveying, that might become more

Page 29

1 sophisticated?
2 A That might become more sophisticated, yes.
3 Q But substantively, we're still concerned about
4 what consumers want, right?
5 A Correct.
6 Q I mean, that's always been the focus of market
7 research, right?
8 A Yes, what is happening and why is it happening.
9 Q Right. And as a business manager who is
10 responsible at least in part for developing new
11 products, you want to make sure that your products meet
12 what consumers want?
13 A You would try to do your best to find that out.
14 Q Okay. And so can you tell me, then, going back
15 to my earlier question, sort of what the process is like
16 at Braun to the extent that you know to address what
17 consumers want, what sort of market research did Braun
18 do?
19 A Well, I can tell you what I did, okay, in my
20 time being responsible for household. What the other
21 groups were doing I don't know, obviously, No. 1.
22 No. 2, you have to take into account that funds
23 were limited. There wasn't an infinite amount of money
24 to test everything to ask all possible questions.

8 (Pages 26 to 29)

Gilbert Greaves April 29, 2005

<p style="text-align: right;">Page 30</p> <p>1 The sort of thing we did would be focus groups</p> <p>2 on a particular product or topic.</p> <p>3 Q Were these done in-house?</p> <p>4 A These were -- well, they would be contracted out</p> <p>5 to an agency.</p> <p>6 Q Okay.</p> <p>7 A A market research agency who would recruit the</p> <p>8 respondents and a professional would conduct the group</p> <p>9 discussion, for instance. These would be done in</p> <p>10 Germany, the United States, depending on where we were</p> <p>11 evaluating the market potential.</p> <p>12 Then there would be product placement tests</p> <p>13 where a product would actually be left with consumers</p> <p>14 for 8 weeks, 12 weeks, and the consumers would be asked</p> <p>15 how they found the product, what they liked and</p> <p>16 disliked. There would be concept testing, story board</p> <p>17 testing. R & D would test on a small scale prototypes</p> <p>18 if they were in a form which were to be used by</p> <p>19 consumers. These were all -- all kind of these things</p> <p>20 would be going on.</p> <p>21 Q Did you as a business management director, did</p> <p>22 you rely on the market research in making decisions?</p> <p>23 A What do you mean by rely on?</p> <p>24 Q Well, let me ask it this way: Did you receive</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Okay. You said that you left business</p> <p>2 management in 1997, is that right?</p> <p>3 A Correct.</p> <p>4 Q Did you ever come to have responsibility in that</p> <p>5 facility as a business management director for shavers?</p> <p>6 A I was responsible for shavers from 1990 to 1997,</p> <p>7 until March, '97.</p> <p>8 Q Okay. And so you did this sort of market</p> <p>9 research or you saw this sort of market research and</p> <p>10 analysis for consumer preferences related to shavers?</p> <p>11 A Correct.</p> <p>12 Q Did this research include the analysis of dry</p> <p>13 shavers?</p> <p>14 A I was responsible for dry shavers, yes.</p> <p>15 Q Were you solely responsible for dry shavers or</p> <p>16 'all shavers including wet shavers?</p> <p>17 A No, no, no, only Braun electric shavers. That</p> <p>18 was my area -- within Braun.</p> <p>19 Q And that started in 1990?</p> <p>20 A That started in 1990 and terminated in March,</p> <p>21 1997.</p> <p>22 Q Okay. Prior to working specifically on the dry</p> <p>23 shavers, were you in the households group?</p> <p>24 A The whole time --</p>
<p style="text-align: right;">Page 31</p> <p>1 data, then, from these consumers?</p> <p>2 A Yes, the results of the surveys would be</p> <p>3 presented, would be evaluated.</p> <p>4 Q Were they presented in the form of documents?</p> <p>5 A Either in documents or presentations, yes.</p> <p>6 Q Okay. So oral sometimes, is that what you mean</p> <p>7 by presentations?</p> <p>8 A No, they would be a document, like a -- well, we</p> <p>9 didn't have Power Point in those days. It would be on a</p> <p>10 film.</p> <p>11 Q Okay.</p> <p>12 A Yes, it would be in document form.</p> <p>13 And the results of the market research studies</p> <p>14 would be taken into account in the definition of the</p> <p>15 project and the further progress of the project.</p> <p>16 Q Okay. And so I guess you sort of answered my</p> <p>17 question when I asked whether or not you relied on them.</p> <p>18 You definitely took into account the results from the</p> <p>19 market research?</p> <p>20 A They were part of the overall evaluation of</p> <p>21 whether to -- what to do with the project, yes.</p> <p>22 Q Did you ever modify products to make them more</p> <p>23 responsive to what consumers wanted?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 33</p> <p>1 Q Okay.</p> <p>2 A From '89 to the end of 19 -- sorry, from '79 to</p> <p>3 the end of '89, yes.</p> <p>4 Q So for about ten years you worked in household</p> <p>5 products and then you moved specifically to dry shavers?</p> <p>6 A Correct.</p> <p>7 Q Did you have overall responsibility, then, or</p> <p>8 oversight for the dry shaver lines?</p> <p>9 A Yes, I was product line director for the dry</p> <p>10 shavers, yes.</p> <p>11 Q Who reported to you in that facility?</p> <p>12 A A group of product managers, group brand manager</p> <p>13 and product managers, seven, eight people.</p> <p>14 Q Group brand managers and --</p> <p>15 A There would be a group brand manager and to that</p> <p>16 person would be two or three product managers would</p> <p>17 report to him. So it was like an intermediate</p> <p>18 management level.</p> <p>19 Q How was that intermediate management level</p> <p>20 broken out? I mean, you said there are group managers.</p> <p>21 How were their roles defined or differentiated?</p> <p>22 A Well, I was responsible for all of shavers.</p> <p>23 Q Right.</p> <p>24 A Then there would be -- for instance, I'm talking</p>

9 (Pages 30 to 33)

Page 34

1 then. How it's organized now --
 2 Q You're talking about the period from 1990 to
 3 1997?
 4 A Be quite specific. Things change.
 5 There would be a group brand manager for
 6 premium price shavers. Working on premium price
 7 shavers, there would be one or two product managers.
 8 Then there would be a product manager for mid price, low
 9 price, and spare parts, for instance.
 10 Q Okay.
 11 A That was how the organization was set up then.
 12 That's how it was set up then.
 13 Q Do you have any reason to think that the
 14 organization is set up differently now?
 15 A I don't know. I haven't been here for a year.
 16 Q I'm asking you, do you have any reason to think
 17 that it's different? You know, in a year did it change
 18 dramatically?
 19 A I can't tell. It would be a -- completely
 20 speculative if I answered.
 21 Q I mean, I understand that you're testifying to
 22 your personal knowledge throughout the course of this
 23 deposition. That's fine.
 24 You said that your job with Braun was

Page 35

1 terminated in 1997?
 2 A No, no, no, my job as product line director of
 3 shavers stopped, and then I became responsible for
 4 strategic planning from --
 5 Q For -- sorry?
 6 A Strategic planning.
 7 Q And what do you mean by strategic planning?
 8 A The longer term plans for the company, the
 9 position of the company within the industry environment,
 10 so moving away from the specific product lines to the
 11 manufacturing position, strengths and weaknesses of
 12 Braun as a company compared to its main competitors in
 13 the small appliance business. And then this would also
 14 involve preparing the annual strategic plan that
 15 Gillette asked for, the five-year plan into the future.
 16 Q Okay. So you had responsibility for
 17 communicating with Gillette about the strategic
 18 direction of Braun specifically?
 19 A Correct, correct.
 20 Q Okay. Were you the person who had that sole
 21 responsibility?
 22 A With the management of the company. I would put
 23 the plan together, but I wasn't running the company.
 24 There was a chairman and a board of managers.

Page 36

1 Q Okay. Was there anybody else who you worked
 2 with in developing those strategic documents?
 3 A I could call on the -- all the departments to
 4 provide information that I needed to put the document
 5 together.
 6 Q Okay. And is it at that level when you were
 7 responsible for, I guess, sort of the strategic
 8 direction of the company that you communicated with
 9 Gillette? That's a bad question. Let me rephrase it.
 10 Prior to you taking on that role of being
 11 responsible for strategic planning, did you ever have
 12 communications with Gillette personnel?
 13 A Extremely rarely.
 14 Q Okay.
 15 A Extremely rarely.
 16 Q So when you were the business manager of the
 17 shaver line, you didn't communicate with people from
 18 Gillette?
 19 A Hardly ever, almost never.
 20 Q Okay. Who did have responsibility for
 21 communicating with Gillette on --
 22 A The chairman of the company.
 23 Q Okay. Solely?
 24 A I would say so, yes.

Page 37

1 Q Okay. You said that you communicated with
 2 people from Gillette rarely. On what instances would
 3 you communicate with them?
 4 A There was some liaison work in connection with
 5 the sponsorship of the World Cup, for instance. But it
 6 was like -- I mean, it was once every four years, it was
 7 not a big deal.
 8 Q Okay. Who was ultimately responsible for the
 9 sales and marketing of Braun's shavers?
 10 A Then?
 11 Q Yes.
 12 A You really want me to explain how the matrix
 13 organization worked at Braun?
 14 Q Yes. Well, I'm not looking for specific -- let
 15 me rephrase it, then.
 16 Between Gillette and Braun, who had the
 17 ultimate responsibility for sales and marketing of
 18 Braun's dry shavers?
 19 A In -- when I was -- during the time I was
 20 responsible for shavers, Braun operated as a stand-alone
 21 subsidiary of the Gillette Company.
 22 Q Okay.
 23 A So Braun was autonomous in the sense that it had
 24 its own sales force, it had its own manufacturing, it

10 (Pages 34 to 37)

Gilbert Greaves April 29, 2005

Page 38

1 had its own finance. It was like a free-standing
2 company wholly owned by Gillette and reporting its
3 results as a wholly owned subsidiary to Gillette, but it
4 was managed by the board of directors here in Kronberg.

5 Q Okay. So in terms of making decisions about
6 advertising expenditures or the development of new
7 products, did Braun ever have to seek permission from
8 Gillette?

9 A Capital budgets were approved by Gillette, and
10 the budgets were approved by Gillette. And then as far
11 as I can recall, from a certain level of expenditure the
12 capital projects would go to Gillette for approval. And
13 if they were big enough, they would go to the Gillette
14 board of directors.

15 Q I see. But in terms of the actual advertising
16 dollars, they were all spent by Braun?

17 A They were spent by Braun, yes.

18 Q As a separate, as you said, stand-alone entity?

19 A Yes.

20 Q Okay. And were you in strategic planning from
21 1997 until the time that you left Braun?

22 A Correct.

23 Q Okay. And you left Braun in March, 2004?

24 A Correct.

Page 39

1 Q Why did you leave?

2 A I retired.

3 Q Okay. Do you currently do any work for Braun?

4 A No.

5 Q No consulting?

6 A No, nothing at all.

7 Q When you left Braun, did you take any documents
8 with you?

9 A No.

10 Q Who -- let me go back to when you left as the
11 business manager of dry shavers when you went into
12 strategic planning, who was your successor as the
13 business manager of dry shavers?

14 A A guy called Michael Hansen.

15 Q Michael Hansen?

16 A Uh-huh.

17 Q Is it S-E-N or S-O-N?

18 A E-N.

19 Q And was he located -- did he work in Kronberg?

20 A Yes.

21 Q Is he still the business manager for dry
22 shavers?

23 A No, he is not. As far as I know, he is not
24 anymore in Kronberg.

Page 40

1 Q Okay. Do you know who is the current business
2 manager?

3 A The last time I knew when I left the company, he
4 was a guy called Matthew Parker, but that's the state of
5 affairs in February, 2004.

6 Q Is a business management director different from
7 a business unit director?

8 A No. I don't know. Titles change so I can't
9 give you an accurate answer on that. I don't know.

10 Q Well, let me ask you this way: Did you and
11 Mr. Parker ever work -- do work related to dry shavers
12 at the same time? Let me rephrase.

13 At the time that you were the business
14 management director for dry shavers, did you report to
15 anybody?

16 A Yes.

17 Q Did you report to Mr. Parker?

18 A No, no, no, Mr. Parker came 18 months ago. He
19 just joined the company.

20 Q So you and Mr. Parker didn't overlap at all?

21 A No.

22 Q So would it be fair to say that Mr. Parker sort
23 of succeeded to your position, then?

24 A No, Mr. Hansen succeeded to my position.

Page 41

1 Q Ultimately?

2 A No, no, no, immediately, he was my immediate
3 successor.

4 Q Right. Mr. Parker, then, did Mr. Parker succeed
5 Mr. Hansen?

6 A I've forgotten, I've forgotten the sequence.

7 Q Okay. But at some point Mr. Parker became the
8 business management director for dry shavers?

9 A Yes.

10 Q To your knowledge?

11 A Yes.

12 MR. UELAND: I'm going to hand the witness what's
13 been previously marked as Defendant's Exhibit 4 and
14 Defendant's Exhibit 35.

15 (Exhibit 4 and Exhibit 35 previously marked
16 and tendered.)

17 MR. UELAND: Q Take a look at those, sir.

18 Have you ever seen those documents before?

19 A I can't remember.

20 Q Did you, in your role as the business management
21 director for dry shavers, did you have ever any
22 responsibility for reviewing patents or patent
23 applications?

24 A Yes.

11 (Pages 38 to 41)

Gilbert Greaves April 29, 2005

Page 42

1 Q Okay. Do you understand that these are the
2 patents at issue in this litigation?
3 A From the title cleaning device for the shaving
4 head of a dry shaver.
5 Q Are you aware of any other patents that Braun
6 holds for the cleaning devices related to the cleaning
7 the shaving head of a dry shaver?
8 A I'm not aware.
9 Q Just these two that you're aware of?
10 A I was not aware of these, either.
11 Q So you weren't aware that there were patents --
12 A I was aware that there were patents, but I'm not
13 aware of the specifics of the patents.
14 Q Are you aware that this is a patent infringement
15 suit?
16 A Yes.
17 Q Okay. How did you become aware of that?
18 A When Mr. -- when I was contacted by Braun to
19 appear here.
20 Q So you never did any -- you weren't involved in
21 any of the analysis of whether or not Rayovac's products
22 infringed these patents?
23 A No.
24 Q Were you involved in obtaining these patents?

Page 43

1 A No.
2 Q Were you ever involved in obtaining any patents?
3 A No.
4 Q Do you have any understanding of what the
5 invention claimed by these patents is?
6 A May I answer the question like this: I use this
7 product, so I know what the product does. The specifics
8 of any patents that have been applied that are then used
9 in the product I do not know.
10 Q Okay. Describe the product, I guess, that you
11 think corresponds to the -- to the patents?
12 MR. PATTON: Well, I object to the form of the
13 question.
14 THE WITNESS: I can describe -- the only thing I can
15 do is to describe the product that's in my bathroom that
16 I use every day.
17 MR. UELAND: Q Well, do you think that that
18 product is covered by patents?
19 A I don't know.
20 Q You don't know whether or not the product that
21 you use is covered by patents at all?
22 A I don't know. I'm not capable of judging that.
23 Q Did you have any responsibility for developing
24 that product that you use?

Page 44

1 A No.
2 Q You had no responsibility whatsoever for the
3 development of the product that is commercialized by
4 Braun that you use, the Clean & Charge product?
5 A I left Braun shaver in 1997.
6 Q Okay. So you didn't have any communications
7 with anybody related to the Clean & Charge product, is
8 that your testimony?
9 A No. I was aware of development going on.
10 Q How were you aware of that?
11 A I was given a demonstration of a prototype
12 working model.
13 Q Do you remember when that was?
14 A 12 to 18 months before I left shavers.
15 Q So in 1995, 1996?
16 A Correct.
17 Q You didn't have communications with anybody
18 prior to that?
19 A I can't recall.
20 Q Okay. If you look at the patents, the documents
21 in front of you, taking a look at the one that's been
22 marked Defendant's Exhibit 4.
23 A Uh-huh.
24 Q Do you see on that first page there where it

Page 45

1 says filed January 23rd, 1995?
2 A Yes.
3 Q Okay. So do you understand that a patent
4 application was filed on January 23rd, 1995?
5 A Yes.
6 Q And that was during the time when you were the
7 business management director?
8 A Yes.
9 Q Is it your -- as the business management
10 director for dry shavers, would you know if a patent was
11 being applied for that covers products related to dry
12 shavers?
13 A Yes, they would have gone over my desk, yes.
14 Q So you do know that the product that you use
15 that they were applying for patents?
16 MR. PATTON: Well, I object to the form of the
17 question.
18 MR. UELAND: Q Can you answer the question?
19 A I cannot recall the specifics.
20 Q Okay. But seeing this date, does that refresh
21 your recollection that patents were apply for that cover
22 the product that you use in your bathroom, sir?
23 MR. PATTON: Well, I object to the form of the
24 question. The fact that a patent was applied for

12 (Pages 42 to 45)

Page 46

1 doesn't tell anybody whether the product he has is
2 covered by the patent, and it's wrong to suggest that it
3 does.

4 MR. UELAND: Q Can you answer the question?

5 A I can't recall seeing these documents.

6 Q That's not -- that's a different answer to a
7 question that I didn't ask.

8 My question was: Was seeing this date, does
9 that refresh your recollection that at the time you were
10 the business management director related to -- for dry
11 shavers that a patent was applied for that covers the
12 products that you use in your bathroom?

13 Your objection will stand.

14 A It doesn't refresh my recollection.

15 Q Okay. That product that you use in your
16 bathroom, just so I'm clear, do you know whether or not
17 it's covered by patents?

18 A I do not know.

19 Q Do you have any idea or understanding as to
20 whether or not that product that you use is something
21 that is propriety to Braun?

22 MR. PATTON: I'm not sure I understand. Could you
23 tell the witness what you mean by propriety.

24 MR. UELAND: Q Sure. Does the product that you

Page 47

1 use in your bathroom, does it involve any technology
2 that is propriety to Braun?

3 A I can't judge that. To -- My understanding is
4 yes, based on the time that I worked here, but I can't
5 prove it to you on the basis of documents.

6 Q Okay. When you say based on the time you worked
7 here, what are you referring to?

8 A Up until 2004, the time up until 2004.

9 Q Okay. And did there -- did you come to learn of
10 information that contributed to your understanding?

11 A There were conversations in which I participated
12 in which reference was made to patent protection on this
13 product.

14 Q For the Clean & Charge product?

15 A For the Clean & Charge, yes.

16 Q From those conversations do you understand,
17 then, that that technology relates to the product you
18 use in your bathroom?

19 A Yes.

20 Q Okay. Who were those conversations with?

21 A I can't remember. They were general
22 conversations that take part in all big companies in
23 meetings. I can't give you -- it was just general
24 knowledge in the company. But I can't give you a list

Page 48

1 of names of people who said specific things.

2 Q Did you have conversations with a gentleman
3 named Jürgen Höser?

4 A I had a conversation with Mr. Höser when he
5 demonstrated the product to me as already mentioned.

6 Q It was Mr. Höser?

7 A He demonstrated the product to me.

8 Q And is that the first time that you can recall
9 that you knew of the project?

10 A That is correct.

11 Q Okay.

12 MR. UELAND: Let's go off the record. Let's just
13 take a break for a second.

14 THE VIDEOGRAPHER: Off the record at 10:57.

15 (a brief recess was taken)

16 THE VIDEOGRAPHER: On the record at 11:07.

17 MR. UELAND: Q Welcome back, Mr. Greaves.

18 A Thank you.

19 Q When you were the business management director
20 from 1990 to 1997, did you keep files in your office?

21 A Yes.

22 Q And you from time to time were shown and you
23 reviewed documents just as a general matter?

24 A Yes.

Page 49

1 Q In fact, you reviewed documents that kept you
2 apprised of market research related to consumer
3 preferences?

4 A Yes.

5 Q You reviewed documents and you were kept
6 apprised of market shares of your competitors?

7 A Absolutely.

8 Q Okay. Did you review and were you kept apprised
9 by looking at documents relating to sales figures --

10 A Yes.

11 Q -- for your company and your products?

12 A Yes, yes.

13 Q What about competitors' products?

14 A We had no direct access to competitors' sales
15 figures, obviously.

16 Q Okay. Did you guys ever do forecasts or sort of
17 like best guesses?

18 A Correct, correct.

19 Q And would you review those figures?

20 A Yes.

21 Q And would you keep these sorts of documents in
22 the regular course of business?

23 A Yes, they would be kept on file, yes.

24 Q You know, I forgot to ask this earlier. Did you

Gilbert Greaves April 29, 2005

Page 50

1 have a secretary when you were the business management
 2 director?
 3 A I had two.
 4 Q You had two. What were their names?
 5 A Oh.
 6 Q It's been a while.
 7 A One was called Uta Weber, U-T-A, new word,
 8 W-E-B-E-R. And another was called Astrid, and I'm
 9 ashamed to say I've forgotten her surname.
 10 Q Do you know if Astrid still works for Braun?
 11 A I think so.
 12 Q Would Mr. Sievers, would he know Astrid's
 13 surname?
 14 A Yes. I should know it. It's shameful.
 15 Q Did, Ms. -- Is it Weber?
 16 A Yes.
 17 Q Did she and Astrid work for you at the same time
 18 or did you have one secretary and then Uta Weber retired
 19 and then Astrid became your secretary?
 20 A I can't recall whether they overlapped.
 21 Q Okay. But a majority -- was it the case that
 22 one replaced the other and there might have been some
 23 small overlap in there?
 24 A Yes.

Page 51

1 Q Okay. Did your secretary keep copies of your
 2 files and your correspondence?
 3 A Some I kept, some the secretary kept.
 4 Q Okay. Did your secretary manage a calendar for
 5 you?
 6 A Yes.
 7 Q That kind of kept your appointments?
 8 A Yes.
 9 Q Was that on paper or was it an electronic
 10 calendar?
 11 A I think at that time it was on paper.
 12 Q Okay.
 13 A In the mid '70s -- in the mid '90s, in the mid
 14 '90s it was on paper.
 15 Q Does Braun use e-mail right now, do you know?
 16 A It was using e-mail when I left.
 17 Q Okay. Did it use e-mail at any time during the
 18 time period between 1990 and 1997? Let me ask it this
 19 way: Did you have an e-mail address during that time
 20 period?
 21 A I don't think so.
 22 Q Okay.
 23 A I can't -- maybe towards the end. I can't
 24 remember exactly. I can't remember exactly.

Page 52

1 Q Did there come a time while you were working at
 2 Braun that you got an e-mail address?
 3 A Oh, yes.
 4 Q And once you got it, did you correspond
 5 regularly with e-mail?
 6 A I used e-mail definitely.
 7 Q Okay. Do you know who would know when Braun
 8 first began using e-mail?
 9 A No, it would depend on individual memory.
 10 Q Okay. What if I asked -- I mean, so if I asked
 11 you to find that information out for me, who would be
 12 the person that you would go to?
 13 A It would be somebody in the IT department.
 14 Q Do you have a name for anybody?
 15 A No, I couldn't think of a certain person.
 16 Q Okay. So then would you -- who would you go to
 17 to get a name in the IT department? And this isn't a
 18 quiz. I'm just trying to figure out who I need to talk
 19 to figure out this information?
 20 A Well, the -- I'm not being facetious.
 21 Q Okay.
 22 A The simplest thing would be to ask somebody who
 23 is still working, one of the other people -- some of the
 24 other people you've come in contact with from Braun, and

Page 53

1 they could give you -- put you in touch with --
 2 Q An IT person?
 3 A -- an IT person.
 4 Q That's fair enough.
 5 When you left in 1997 your role as the business
 6 management director for dry shavers, did you leave your
 7 documents with Mr. Hansen?
 8 A Yes, yes.
 9 Q Okay. Did you leave them in the same office?
 10 A Yes. He took over my office.
 11 Q Okay. By the way, was your office located here?
 12 A In the old building.
 13 Q In the old building. Okay. When you say old
 14 building, does that mean that building is no longer
 15 used?
 16 A No, this is the new building and the building
 17 which is joined by the bridge.
 18 Q I see. Is the old building?
 19 A Is the old building, yes.
 20 Q Is that office that you used and that Mr. Hansen
 21 used, is that still the office for the business
 22 management director for dry shavers?
 23 A No, it's not.
 24 Q Do you know where that office has now been now

14 (Pages 50 to 53)

Gilbert Greaves April 29, 2005

Page 54

1 taken or relocated to?

2 A When I left the company, there had been some

3 changes in the layout. But, essentially, the office

4 where I worked is now the office of Mr. Faulstich.

5 Q Mr. Faulstich?

6 A Faulstich, F-A-U-L-S-T-I-C-H, when I left the

7 company at the end of February, 2004.

8 Q And what was Mr. Faulstich's -- I'm sorry if I'm

9 just butchering that name.

10 A That's all right.

11 Q What was his title?

12 A Project program manager.

13 Q Project program manager?

14 A Yes.

15 Q What products or programs was he responsible

16 for?

17 A Electric shavers.

18 Q Okay. So was he essentially in your position or

19 would he be subordinate --

20 A No, he was in the technical department.

21 Q Okay.

22 A And the program managers were responsible for

23 ensuring that products were developed and brought to

24 market -- got into production and brought to market

Page 55

1 according to the timetable and within the capital budget

2 defined.

3 Q Okay. We touched on this a little bit earlier,

4 but I just want to make sure that I'm clear. You said

5 that as the business management director underneath you

6 you had group levels as an intermediate level of

7 management?

8 A Uh-huh, yes.

9 Q How many group managers were there?

10 A One.

11 Q Who was that during your tenure?

12 A Hans-Martin Blueder.

13 Q Can you please spell that for the court

14 reporter.

15 A Hans, H-A-N-S, hyphen, Martin, and then the

16 surname, big B-L-U-E-D-E-R.

17 Q And Mr -- is it just Blueder?

18 A Blueder, yes.

19 Q Did Mr. Blueder report directly to you?

20 A Correct.

21 Q What was Mr. Blueder's primary responsibility or

22 responsibilities?

23 A If I recall correctly, he was responsible for

24 premium-priced shavers, high-priced shavers.

Page 56

1 Q Okay. And how many people reported to

2 Mr. Blueder? These are the, I guess, the project

3 managers?

4 A Two, two project managers.

5 Q Do you remember who they were?

6 A No, no.

7 Q Is Mr. Blueder still with the company?

8 A No, he is not.

9 Q Do you know where he is now?

10 A No, I have no idea.

11 Q Do you know when Mr. Blueder left?

12 A 1997.

13 Q Did he leave before or after you left your role

14 as business management director?

15 A About simultaneously, about simultaneously.

16 Maybe six months later.

17 Q Do you know who Mr. Blueder's successor was?

18 A I can't recall. I'm sorry. I can't recall.

19 Q Okay. The project managers' names that you

20 can't remember, who would know those names?

21 A Excuse me, the --

22 Q The project managers' names, the ones you can't

23 remember, who would know their names?

24 A The personnel department.

Page 57

1 Q The personnel department. Who is someone that

2 we could contact in the personnel department?

3 A The head of personnel is Thomas Pfeffer,

4 P-F-E-F-F-E-R.

5 Q And he is the director of the personnel

6 department?

7 A Correct.

8 Q Is that located here in Kronberg?

9 A Correct.

10 Q Would we be able to get any of these personnel

11 records through Gillette in Boston?

12 A I don't know. I don't know.

13 MR. UELAND: Okay. Sir, I'm handing you what I

14 previously marked as Defendant's Exhibit 41 and

15 Defendant's Exhibit 42. And these, sir, I do have

16 copies for you.

17 (Exhibit 41 and Exhibit 42 previously marked

18 and tendered.)

19 MR. UELAND: Q If you will just take a minute to

20 just kind of look through those documents just briefly.

21 Just so you know, we will be starting with the one I

22 marked as 42 first.

23 And while you can certainly look at the entire

24 document, I'm particularly interested in the page No. 5,

15 (Pages 54 to 57)

Page 58

1 the answer to interrogatory No. 16. But, obviously,
 2 review as much of the document as you want to.
 3 A Okay. I've read page 5.
 4 Q Okay.
 5 A Should I read more?
 6 Q Well, why don't we start and I can ask you some
 7 questions about that page. And if you think you need to
 8 read more of the document, you know, obviously, we can
 9 do that at that point.
 10 Do you see on page 5 -- Well, I already see
 11 that we need to read a little bit more. Did you look at
 12 the question or the interrogatory on page 4? It starts
 13 at the bottom.
 14 I'll just read it while you look at it. It
 15 says, "Identify each individual including any Braun
 16 employees or third parties who worked on the design and
 17 development of any prototype or product covered by one
 18 or more claims in the patents in suit or components of
 19 all such prototypes and products in the nature of work
 20 performed by each individual identified," and then there
 21 is a number of examples that are given.
 22 And in the response to interrogatory No. 16
 23 Braun has identified a number of individuals, including
 24 yourself.

Page 59

1 Do you see where you're identified, sir?
 2 A Yes.
 3 Q It says, "Gilbert Greaves was the business
 4 management director associated with the cleaning center
 5 project."
 6 A Uh-huh.
 7 Q Do you understand that to mean that you were the
 8 business management director who had responsibility for
 9 the cleaning center project?
 10 A I was product line director for shavers in whose
 11 area of responsibility this project fell.
 12 Q As a potential new product?
 13 A As a potential new product.
 14 Q Because the director or business management
 15 director for dry shavers would have responsibility for
 16 the development of all new products in that field?
 17 A Would be responsible for the commercial aspects,
 18 the commercial potential for this kind of a product.
 19 Q Okay. And when you say commercial potential,
 20 what do you mean by that?
 21 A Whether the company could make money by
 22 marketing and selling the product.
 23 Q Okay. And that's why you would receive reports
 24 like market research related to consumer preferences?

Page 60

1 A Correct.
 2 Q And, in fact, do you remember receiving reports
 3 related to consumer preferences as pertaining to the
 4 cleaning center project?
 5 A No.
 6 Q No? Do you know if any market research was done
 7 by Braun?
 8 A Subsequent to my type of responsibility for
 9 shavers.
 10 Q So you know that there was some research done
 11 after you left?
 12 A Yes.
 13 Q Okay. How do you know that?
 14 A Because I prepared a kind of a case study on
 15 this project.
 16 Q Okay. When did you prepare that case study?
 17 A 2000 -- end of 2002, beginning of 2003, I think.
 18 Q And this was in your capacity as a member of the
 19 strategic planning?
 20 A Correct.
 21 Q Okay. Were you -- what was your title, exactly?
 22 A Director of strategic planning.
 23 Q Okay. I'm sorry. So then this was when you
 24 were the director of strategic planning?

Page 61

1 A Correct.
 2 Q Okay. This case study, why did you develop it?
 3 A It was -- I was invited to give a presentation
 4 on innovation and product development at Braun by an
 5 outside institute. And the cleaning center was a good
 6 example of the process.
 7 Q Why was it a good example on the process?
 8 A It was a successful product which is
 9 commercially -- well, it was successful to the consumer
 10 and commercially successful, as well.
 11 Q Okay. And was that the conclusion or was that
 12 the -- sort of the premise of your case study analysis?
 13 A I think it was the facts of the -- what was
 14 happening on the market.
 15 Q Okay. Was the case study, did it relate just
 16 the facts that were happening on the market in 2002 or
 17 2003, or did that case study sort of chronical the
 18 development of the project?
 19 A Some aspects of the development of the project
 20 were part of the presentation.
 21 Q Okay. Do you remember what aspects those were?
 22 A They were concerned with the evaluation of
 23 the -- some of the research that was done in terms of
 24 its ability to evaluate the consumer potential for the

16 (Pages 58 to 61)

Page 62

1 project.

2 Q So this is that market research that we were
3 referring to?

4 A There was some market research results based on
5 surveys executed later than the time that I was shavers.

6 MR. UELAND: She has passed me a note that we have
7 to change the tape. So if we could just briefly take a
8 break while she changes the tape, but if we could all
9 remain in the room, and I think it will take a second,
10 unless you want to leave.

11 MR. PATTON: No, I just saw the opportunity to get a
12 cup of coffee maybe. I'll look, and if the door is
13 open.

14 THE VIDEOGRAPHER: This marks the end of tape No. 11
15 in the deposition of Gilbert Greaves. We are off the
16 record at 11:26.

17 (a brief recess was taken)

18 THE VIDEOGRAPHER: This marks the beginning of tape
19 No. 2 in the deposition of Gilbert Greaves. We are on
20 the record at 11:33.

21 MR. UELAND: Q Welcome back, Mr. Greaves.

22 A Thank you.

23 Q Before we took our brief break we were talking
24 about a case study that you prepared in the 2002-2003

Page 63

1 time period related to the Clean & Charge product.

2 In the course of our discussion about that you
3 told me that you came to know that after you left your
4 role as business management director there was market
5 research done. And you knew that because you saw some
6 of that information in preparing this case study?

7 A Correct.

8 Q And so did you review documents in preparing
9 your case study?

10 A Correct.

11 Q Okay. Do you remember what documents you
12 reviewed?

13 A They were research reports on concept work in
14 connection with the cleaning center.

15 Q When you say concept work, what do you mean by
16 that?

17 A If I may paraphrase?

18 Q Sure.

19 A In the absence of a product that could be shown
20 and demonstrated to the respondents, there would be
21 maybe a drawing with an explanation of what the product
22 did. And then respondents would be asked whether they
23 found it interesting, whether they liked it, did they
24 believe in it, how much would they be prepared to pay

Page 64

1 for it, et cetera, et cetera, et cetera.

2 Q Okay.

3 A These kind of documents.

4 Q Who gave you those?

5 A I obtained them from the market research
6 department.

7 Q From the market research department? Okay. Who
8 specifically?

9 A Mr. Landman.

10 Q I'm sorry, could you spell his name?

11 A His Christian name is Ludwig, L-U-D-W-I-G, and
12 his surname is Landman, L-A-N-D-M-A-N, Landman.

13 Q Would the market research department, would they
14 have copies of all the market research that was done
15 pertaining to new products?

16 A Correct.

17 Q Including the Clean & Charge product?

18 A Correct.

19 Q Do they keep copies of all past market research?

20 A To the best of my knowledge when I left, yes.

21 Q Is Mr. Landman --

22 A Yes.

23 Q Is he still with Braun?

24 A Yes.

Page 65

1 Q Is he still in market research?

2 A Yes.

3 Q You said you presented this case study to an
4 outside institute, is that right?

5 A Correct.

6 Q What outside institute did you present this to?

7 A I think it's called VDI, and it's -- I think
8 it's the German engineers' association, I think it's
9 VDI, I think.

10 Q Not VDE, right?

11 A No, no.

12 Q Was this -- this case study, was it a written
13 report?

14 A Correct.

15 Q Do you have a copy of that report still?

16 A No.

17 Q Did you leave a copy of this report with
18 somebody at Braun when you left?

19 A When I left Braun, I had on one of the servers,
20 the computer servers a -- what you call a folder, and I
21 left some presentations and documents in this folder on
22 the server.

23 Q Okay. So any copy of this presentation would be
24 an electronic copy?

17 (Pages 62 to 65)

Gilbert Greaves April 29, 2005

<p style="text-align: right;">Page 66</p> <p>1 A Correct.</p> <p>2 Q All right. Did you present or did you make --</p> <p>3 Let me rephrase.</p> <p>4 Did you present this case study internally at</p> <p>5 all?</p> <p>6 A No, no, I did not present it internally.</p> <p>7 Q Did anybody help you develop this case study?</p> <p>8 A I was -- people provided information; but,</p> <p>9 otherwise, I prepared the whole thing myself, but other</p> <p>10 people provided information which I incorporated.</p> <p>11 Q Okay. And one of those people was Mr. Landman?</p> <p>12 A Correct.</p> <p>13 Q Can you remember the names of any other</p> <p>14 individuals who helped you?</p> <p>15 A Dr. Hagele, H-A-G-E-L-E, provided some</p> <p>16 photographs.</p> <p>17 Q Do you remember what the photographs were of?</p> <p>18 A To the best of my recollection, two photographs</p> <p>19 of early prototypes of the cleaning center.</p> <p>20 Q Okay. Anybody else?</p> <p>21 A No. Mr. Landman on the market research,</p> <p>22 Dr. Hagele on the photographs.</p> <p>23 Q How long is this case study, do you remember?</p> <p>24 A 25 to 30 Power Point pages.</p>	<p style="text-align: right;">Page 68</p> <p>1 associated with the Clean & Charge, cleaning center</p> <p>2 project. And you said that you had responsibility from</p> <p>3 1990 to 1997.</p> <p>4 Is that accurate, then, or do you think that</p> <p>5 this response identifying you as the business management</p> <p>6 director associated with the cleaning center project, is</p> <p>7 that accurate?</p> <p>8 A Yes.</p> <p>9 Q Was there any other person who would be listed</p> <p>10 as a business management director associated with the</p> <p>11 Clean & Charge project or the cleaning center project?</p> <p>12 A Up to 1997, no.</p> <p>13 Q What about after 1997?</p> <p>14 A Then, as mentioned, the responsibility was with</p> <p>15 Mr. Hansen, Mr. Michael Hansen.</p> <p>16 Q And how long was he the business management</p> <p>17 director?</p> <p>18 A To the best of my recollection, from 1997 to</p> <p>19 2001, 2000.</p> <p>20 Q Who was the business management director when</p> <p>21 the product was first brought to market?</p> <p>22 A To the best of my recollection, Michael Hansen.</p> <p>23 Q Okay. Is that because you don't remember it</p> <p>24 going to market during your tenure?</p>
<p style="text-align: right;">Page 67</p> <p>1 Q Okay. So it was a -- when you say it was a</p> <p>2 document, it was a Power Point document?</p> <p>3 A A Power Point presentation, yes.</p> <p>4 Q And when you gave this presentation, you gave it</p> <p>5 orally, then, and presented the slides?</p> <p>6 A Correct.</p> <p>7 Q Do you know, was there a question/answer period</p> <p>8 after that?</p> <p>9 A Yes.</p> <p>10 Q All right. Do you know if your presentation was</p> <p>11 videotaped?</p> <p>12 A No, it wasn't. It was not videotaped.</p> <p>13 Q Do you know if it was recorded in any other</p> <p>14 medium?</p> <p>15 A No.</p> <p>16 Q Do you know for a fact that it was not or are</p> <p>17 you guessing? You just look unsure, that's all.</p> <p>18 A It wasn't -- there was no videotape, there was</p> <p>19 no videotape.</p> <p>20 Q Okay. All right. We sort of got a little bit</p> <p>21 off -- we were talking specifically about these --</p> <p>22 Braun's responses to the interrogatories and</p> <p>23 specifically the identification of yourself as the</p> <p>24 product manager or business management director</p>	<p style="text-align: right;">Page 69</p> <p>1 A The cleaning center was not launched when I was</p> <p>2 responsible for shavers.</p> <p>3 Q So you just don't know if it was launched in the</p> <p>4 period between 1997 and 2001, is that why you're --</p> <p>5 A No, it was launched sometime in that period.</p> <p>6 I'm not sure whether Michael Hansen was the</p> <p>7 responsible --</p> <p>8 Q I see.</p> <p>9 A -- product line director at the actual time it</p> <p>10 went to market.</p> <p>11 Q So you're not sure whether or not he was there?</p> <p>12 A He was there. But it was launched sometime</p> <p>13 around 2000, 2001, I believe.</p> <p>14 Q Okay. If you look at the answer to</p> <p>15 interrogatory No. 16, in addition to yourself there is a</p> <p>16 number of other individuals who are disclosed.</p> <p>17 It says, "Braun states that the following</p> <p>18 individuals worked on the design and development of any</p> <p>19 prototype or products covered by one or more claims of</p> <p>20 the patents in suit." The first two individuals listed</p> <p>21 are listed Gebhard Braun and Dietrich Paul.</p> <p>22 If you go down a couple of lines, it says,</p> <p>23 "Mr. Braun and Dr. Pahl are the inventors of the claims</p> <p>24 of both the '328 and '556 patents and developed the</p>

18 (Pages 66 to 69)

Page 70

1 first and second prototypes."
 2 Do you know if that's an accurate statement?
 3 A I can't judge.
 4 Q Why can't you judge?
 5 A Because I don't have any recollection of the
 6 details of the patent documents.
 7 Q Do you have any recollection of the development
 8 of any prototypes?
 9 A As mentioned, I recollect the demonstration of
 10 one of the prototypes in 1995, '96 by Mr. Höser.
 11 Q And that's your earliest recollection of the
 12 development of any prototypes?
 13 A Correct.
 14 Q Did you have any conversations with either
 15 Mr. Braun or Dr. Pahl related to this project?
 16 A I cannot recall any conversations.
 17 Q You can't recall any specific conversations or
 18 you can't recall generally ever speaking to these
 19 individuals?
 20 A I can't recall the specifics of any
 21 conversations I might have had.
 22 Q Okay. Do you recall that you had conversations
 23 with them?
 24 A I can recall conversations on the product idea

Page 71

1 that I had with a whole range of people prior to leaving
 2 shavers.
 3 Q Okay. But you don't remember specifically
 4 speaking either with Mr. Braun or Dr. Pahl?
 5 A Not with those two, no.
 6 Q And you had ultimate responsibility, though, for
 7 the development and commercialization of the product,
 8 right?
 9 A Up until '97, yes.
 10 Q As a part of the development and
 11 commercialization, did you have responsibility for
 12 deciding whether or not to seek patent protection?
 13 A May I answer the question like this? In
 14 business management we obviously were very keen to have
 15 as much patent protection as possible for obvious
 16 reasons, protection against competition, a longer time
 17 on the market without competitive entries with the same
 18 kind of product.
 19 So it was a given that a patent protecting a
 20 new product was something highly desirable, irrespective
 21 of the product.
 22 Q Okay. And so it would be desirable in this
 23 instance, as well?
 24 A It would be desirable, very desirable in this

Page 72

1 instance, yes.
 2 Q And as the person responsible for the
 3 development of this product, would you have
 4 responsibility for making the decision of whether or not
 5 to seek patent protection?
 6 A I would encourage it, but it would not be my
 7 decision. That decision would be with the management of
 8 the company and with the R & D -- R & D and with the
 9 lawyers.
 10 Q Okay.
 11 A Put it another way, I would not be capable of
 12 judging whether a particular product feature and the way
 13 it had been developed was patentable, I was just not
 14 competent to do that.
 15 Q You don't have the legal training to make that
 16 determination?
 17 A Neither the legal nor the technical training to
 18 do that.
 19 Q Okay. Would you be consulted on the business
 20 aspects of seeking patent protection?
 21 A Can I answer the question like this? The
 22 stronger the patent protection, the -- given that the
 23 product was relevant to the consumers, the greater the
 24 commercial potential for reasons I've explained.

Page 73

1 Does that answer your question?
 2 Q I guess I'm asking a simpler question. Would
 3 you be involved in conversations with the attorneys on
 4 advising on any of the business aspects of seeking
 5 patent protection?
 6 A Within the context of the issue is it worth
 7 going to the expense of seeking patent protection on
 8 this issue in relation to the commercial potential. And
 9 if the commercial potential was very low and the patent
 10 protection was not very big, for example, probably the
 11 answer would be is it really not worth bothering?
 12 If the commercial potential would be -- was
 13 high, then the answer would be, yes, it obviously makes
 14 sense to go for patent protection within the context of
 15 the commercial potential of a project.
 16 Q Okay. So would you be asked to give your
 17 opinion about the commercial potential for this product?
 18 A Yes.
 19 Q Okay. And who asked you for your opinion?
 20 A The R & D people.
 21 Q Okay. Who were the R & D people?
 22 A It would be Mr. Höser. If I recollect
 23 correctly, the R & D -- the head of shaving R & D at the
 24 time, Mr. Höser demonstrated the prototype to me was

19 (Pages 70 to 73)

Gilbert Greaves April 29, 2005

Page 74

1 Dr. Hagele. So the conversation at that time would have
2 been with Dr. Hagele.

3 Q Okay. And did you seek any conclusions about
4 the commercial liability of this product when you were
5 first shown the prototype?

6 A No. I had a first impression, but, obviously,
7 when I saw what was demonstrated to me, it was not at a
8 stage where one could make a definitive decision or
9 recommendation.

10 Q And what was your first impression?

11 A At the time I was a little bit skeptical due to
12 the -- it was quite big and bulky, and it looked at that
13 time, as I recall, it was quite expensive.

14 Q Okay. Were there any other reasons that you can
15 remember as to why you were skeptical?

16 A No, it was those two reasons.

17 Q Size and cost?

18 A At that stage, yes, but this was a very early --
19 this was, you know, a working -- functional model, an
20 early demonstration model.

21 Q Did there come a time when your skepticism was
22 overcome?

23 A Between the demonstration of the product and my
24 not being responsible for shavers, I don't recollect any

Page 76

1 prototype?

2 A I don't know of any -- I don't know of the
3 existence of any documents.

4 Q Okay. And you don't recall whether or not you
5 were asked in writing to give your opinions about that
6 first prototype?

7 A I don't recall that.

8 Q Do you recall sharing that first impression with
9 anybody?

10 A To the best of my recollection, and I might be
11 wrong, it would have been Mr. Blueder, Hans-Martin
12 Blueder who I mentioned before.

13 Q He is your group manager?

14 A The group manager who subsequently left the
15 company.

16 Q So you didn't tell -- Mr. -- I'm going to say
17 Höser but you've referred to him as -- how do I
18 pronounce that?

19 A Höser.

20 Q Höser?

21 A Jürgen Höser.

22 Q Did you share your first impression with him?

23 A I can't recollect what I said to him when he did
24 the demonstration. I mean, that would be absolutely

Page 75

1 further exposure to the project, so I had no opportunity
2 to change my opinion.

3 Q So you never saw a later prototype that would
4 have changed your opinion about the commercial liability
5 or commercial prospects for the product?

6 A Not after 1997, no.

7 Q Based on your initial impressions that the
8 product was too large and too expensive, did you share
9 any conclusions about the commercial liability of the
10 product with the patent development or research and
11 development?

12 A I don't recollect doing so.

13 Q You don't -- were you asked?

14 A I don't -- I really don't recollect.

15 Q Well, why were you shown the prototype?

16 A Because I would be responsible for the
17 commercialization of the project. But as I said, it was
18 at a stage when no definitive and final decision can be
19 made. And the fact that it was quite bulky and the
20 initial cost estimates were high were -- but that's --
21 were, you know, put a question mark in my mind at that
22 stage.

23 Q Okay. Do you know if there are any documents
24 that memorialize the first time that you saw this

Page 77

1 fanciful. I just can't remember what I said to him.

2 I would be speculating if I said I might have
3 said this or that. I just can't remember.

4 Q Okay. And I'm not asking you to remember the
5 specifics, but, I mean, did you share with him your
6 impression that the product was too big and, as he
7 presented it, too expensive?

8 A I can't remember whether on the occasion of the
9 demonstration I expressed these opinions.

10 Q Would you have ever expressed that opinion to
11 Mr. Höser?

12 A I could have, but I can't remember a specific
13 occasion where I did.

14 Q Fair enough. You see that the next individual
15 is listed after Mr. Höser because I think we've talked
16 about him a little bit, at least enough for right now,
17 are Alf Jahn, Thomas Schamberg and Norbert Kreutz?

18 A Yes.

19 Q And they're listed as engineers who reported to
20 Mr. Höser. Did you ever have an occasion to talk to any
21 of these individuals?

22 A I can't recall. I'm sorry. I just cannot
23 remember.

24 Q Let me ask you this: Is it typical for someone

20 (Pages 74 to 77)

Page 78

1 in your position as business management director to
2 speak with the engineers who are sort of given the
3 responsibility of developing a new project?

4 A Absolutely, yes.

5 Q Okay. So would it stand to reason, then, that
6 as this project was developed that you would have had
7 conversations with the engineers?

8 A On this particular one at this stage at such an
9 early stage not very much.

10 Q Okay.

11 A Subsequent to 1997 I assume there would have
12 been conversations; but in principle, yes.

13 Q Is it your testimony that prior to 1996, 1997
14 there were no conversations about a prototype or any
15 other sort of model for the Clean & Charge project?

16 A I cannot -- I personally cannot recollect any.

17 Q Were it the case that a prototype was developed
18 earlier, say two years earlier than 1996 and that it
19 would then put the development of the project at a later
20 point, would there be typically meetings regarding the
21 development of a project that was that far along?

22 MR. PATTON: I object to the form of the question.

23 MR. UELAND: Q Do you understand my question?

24 A Not really. Maybe you could rephrase it.

Page 79

1 Q You said that the first prototype that you were
2 aware of it and the first conversations that you were
3 aware of relating to a model of this product happened in
4 1996 and you're approximating, but in 1996.

5 And I asked -- my question is -- it is a
6 hypothetical. I'm asking you: If it were the case that
7 a model had been developed three years prior and so then
8 it would stand to reason that, then, the product was
9 three years further along in development by the time
10 that you remember having conversations about it, would
11 it be the case, then, that you would be meeting with the
12 engineers on a more regular basis?

13 MR. PATTON: I object to the form of the question.

14 MR. UELAND: Q I'm just trying to capture the time
15 in the development of a product when you start having
16 regular meetings about it or when you start meeting with
17 the engineers regarding it.

18 MR. PATTON: Well, I still object to the form of the
19 question because it's entirely hypothetical.

20 MR. UELAND: Q Can you answer the question?

21 A If it's relevant, I can describe at that point
22 in time between 1990 and 1997 in general terms how the
23 communication worked between the business management
24 group and the R & D group.

Page 80

1 But in general terms and in no way could you --
2 could anybody draw the conclusion that in all
3 circumstances what I described applies to a particular
4 project. But if you like, I can describe in general
5 terms the work flow. But it's not necessarily relevant
6 to this -- to repeat myself, you can't deduce that
7 because of this general description all projects fell
8 into this panel.

9 Q And I understand that, that each project is
10 going to be sort of on its own individual basis, but is
11 there a typical life span in the product development?

12 A Again, if it's a modification of an existing
13 product, that can go very fast. That can go within --
14 that can take 12 months, 9 months.

15 If you're talking about the development of a
16 new generation of shavers with some radically new
17 performance characteristic, the preliminary research
18 work can take years. And that would go on in the
19 research department.

20 Q Would you be kept apprised of that research that
21 was going on?

22 A It depends. It depends. I mean, sometimes not.

23 Q Okay. Which category does this fall in? I
24 mean, was this a modification of a new product?

Page 81

1 A This is -- I would personally judge this as
2 something radically new.

3 Q Okay. Why do you say that? Why do you say that
4 it was radically new?

5 A To the best of my knowledge, this is the only --
6 this was the first automatic cleaning system for
7 electric shaver that was put on the market.

8 Q All right. And in terms of the development,
9 then, do you know -- do you know for a fact whether or
10 not there was any research and development done prior to
11 the point when you saw the prototype?

12 A There must have been to -- there must have been
13 a lot of work going on to -- which resulted in the
14 prototype that was demonstrated to me, so there must
15 have been a lot of work going on for a considerable
16 period of time.

17 Q Do you know -- do you have any idea of how long
18 that work would be going on for?

19 A Let me answer it this way: As part of the work
20 that I did on the VDI, on the case study, a photograph
21 of an initial version of this product was made available
22 to me, and my understanding at the time was that this
23 early working model was completed in about 1990.

24 Q Okay. Did that surprise you when you learned

Gilbert Greaves April 29, 2005

Page 82

1 that?

2 A No, no.

3 Q But you were the business management director of
4 dry shavers in 1990, right?

5 A Correct.

6 Q I mean, is that typical, then, that as you've
7 characterized this product as new and revolutionary in
8 your own words, is that right?

9 A Correct.

10 Q Does it surprise you that you weren't aware of
11 the research and development that went into this new and
12 revolutionary project prior to that period?

13 MR. PATTON: I object to the form of the question.

14 MR. UELAND: Q You were there, sir, right, in
15 1990 --

16 A Correct.

17 Q -- when this first prototype was being
18 developed. Does it surprise you that six years went by
19 before you became aware of it?

20 MR. PATTON: I object to the form of the question.

21 MR. UELAND: Q Were you surprised?

22 A No.

23 Q So that's typical, then, for you not to hear
24 about a product for six years from the time that it was

Page 83

1 first conceived to the time --

2 MR. PATTON: Wait, I'm objecting to the form of the
3 question.4 You can testify all day if you want to, but I
5 suggest you ask him a question.6 MR. UELAND: I am asking him a question. Your
7 objection will stand.8 Q Did that surprise you that six years went by
9 before you heard of this product?10 MR. PATTON: That is not the witness' testimony and
11 I object to the question in that form.

12 MR. UELAND: Q You can answer.

13 A I defer to my counsel.

14 Q Your counsel is not instructing you not to
15 answer.16 MR. PATTON: I am not instructing you not to the
17 answer. I'm objecting to the question because it
18 misstates what his testimony is. If you can answer the
19 question, please do.

20 MR. UELAND: Q Can you answer the question?

21 A No, I can -- if you feel it's relevant, I can
22 make some general observations on the cooperation
23 between commercial departments and the technical
24 departments.

Page 84

1 MR. PATTON: I'm suggesting that the question is
2 about the development of the Clean & Charge product and
3 what this witness remembers about when things happened.
4 You're entitled to ask him about that all day and he
5 will answer. But I think the way you've put the
6 question misstates what he has said about his knowledge
7 and recollection.8 MR. UELAND: Q Sir, when is the first time that
9 you can remember being apprised of this project?10 A The first specific recollection is the
11 demonstration by Jürgen Höser in '95, '96.12 Q Okay. And you testified, I believe, that there
13 came a time later after you left your role as business
14 management director that a prototype had been developed
15 in 1990, is that right?16 A A photograph of an earlier prototype was made
17 available to me. And to the best of my knowledge, I
18 understand that it originated in about 1990.19 Q And my question quite simply is: Is that given
20 that date of that first photograph in 1990, were you
21 surprised that as the business management director for
22 dry shavers you weren't made aware of that product until
23 1995, 1996?

24 A Let me explain how R & D departments work. They

Page 85

1 are not driven by specific, how can I put it, jobs,
2 orders, please go ahead and develop this, this, and
3 this.4 They have a certain area of freedom to pursue
5 their own experiments, projects, speculations. They
6 have a budget for this. For reasons of confidentiality
7 that will not be disclosed outside the R & D department
8 due to quite natural fluctuation in other departments,
9 people leave the company.10 There has to be an atmosphere where you're
11 allowed to fail. And failure results in an increase of
12 knowledge. So there is an awful lot of experimentation
13 going on which may lead to nothing.14 Why bother other departments with a project
15 that might not ever be technically feasible? So you
16 have to put this project in the context of a whole lot
17 of other projects which were investigated, were proved
18 to be not technically feasible, and quietly put to bed,
19 you know, no longer worked on.20 And this is going on all the time in a company
21 like -- of this kind. And a certain freedom and area of
22 discretion has to be allowed to the R & D departments.
23 And that is the context in which this project was worked
24 on and developed.

22 (Pages 82 to 85)

Gilbert Greaves April 29, 2005

Page 86

1 Q Can you answer the question yes or no? And I
2 can repeat the question again, if you want.

3 A It is not -- it is not an unusual situation,
4 I'll answer it like that. It is absolutely -- for the
5 reasons I've explained of how R & D works, it is not at
6 all unusual.

7 Q So you were not surprised?

8 A It's not an unusual situation.

9 Q All right. Let's look at some of the other
10 individuals, shall we? If you look after Mr. Jahn,
11 Mr. Schamberg and Mr. Kreutz, it lists Peter Schneider,
12 Ludwig Littmann and Ronald Ullman. And it says that
13 they are professional designers employed by Braun's
14 corporate design department who created designs for the
15 cleaning center project.

16 Do you see that?

17 A Uh-huh.

18 Q Did you ever have conversations with any of
19 these individuals?

20 A Did I have conversations with them on this
21 project?

22 Q Yes.

23 A No, not that I recollect, not that I recollect.

24 Q It says that they're professional designers

Page 87

1 employed by Braun's corporate design department. Are
2 they Braun employees?

3 A Correct.

4 Q They're not independent contractors?

5 A They're on the payroll. They were on the
6 payroll up to February, 2004.

7 Q I see.

8 A To the best of my knowledge.

9 Q And then there is a sentence about you, and then
10 we have, "Norbert Smetana was an engineer in the hair
11 dryer laboratory at Braun who calculated and designed
12 the fan of the cleaning center."

13 Do you see that?

14 A Yes.

15 Q Did you ever have any conversations with
16 Mr. Smetana about his work on the cleaning center
17 project?

18 A No.

19 Q We're referring to this project as the cleaning
20 center project and sometimes I lapse and call it the
21 Clean & Charge project. I mean, do you understand that
22 I'm talking about the same thing?

23 A Yes.

24 Q Okay. When did this project officially begin?

Page 88

1 A How do you mean officially begin?

2 Q Well, you know, it says -- it refers in these
3 answers to the cleaning center project. So, you know,
4 are projects identified and specifically, you know,
5 referenced within the company?

6 A Do you want another lecture on the product
7 program management system and the management of projects
8 and when they become official and who approves? Because
9 there is a process, a detailed document -- very
10 documented in a detailed way and the projects are
11 reported on once a month.

12 I mean, it's a -- it's a very sophisticated or
13 it used -- I don't know how it is now, I haven't been
14 with the company for a year.

15 Q But during the time you were there, it was a
16 heavily documented and detailed process?

17 A For projects at a certain phase in their
18 development, not for all projects.

19 Q And once they start becoming documented in a
20 detailed fashion, is that when they're -- when they
21 begin? Does that demark any sort of official beginning?

22 A That -- at the time it would mark a point where
23 considerable resources would be placed behind a project.

24 Q Okay.

Page 89

1 A But that, if I may just expand, obviously to get
2 to that stage there would be a considerable period of
3 research beforehand.

4 Q Okay.

5 A To get to that stage.

6 Q All right. Setting aside for a minute the
7 research that goes before that stage, do you remember
8 the point in time where considerable resources started
9 being put towards this project?

10 A I cannot recollect. As I say, I moved off the
11 shaver line in March, '97.

12 Q Was it before that time?

13 A I can't recollect, I cannot recollect.

14 Q If it had been before that time, I think you
15 said that the dedication of considerable resources
16 accompanies the detailed documentation that you referred
17 to, that those sort of events sort of happen at the same
18 time, is that right?

19 MR. PATTON: I object to the form of the question.

20 THE WITNESS: Can you --

21 MR. UELAND: Q Sure. I mean, you said that, you
22 know, once someone -- once Braun decides to devote
23 considerable resources to a project, that -- and that
24 you characterize them sort of as a very detailed and

23 (Pages 86 to 89)

Page 90

1 highly documented process, do you remember that? Okay.
 2 So if it had happened prior to the time that
 3 you left as a business management director, would it
 4 stand to reason, then, that that would be documented
 5 somewhere?

6 MR. PATTON: Please note my objection.

7 THE WITNESS: Let me put it this way: There would
 8 be -- have to be considerable documentation within the
 9 R & D department.

10 MR. UELAND: Q Related to the cleaning center
 11 project?

12 A I'm talking generally.

13 Q Okay.

14 A I hope that answers your question.

15 Q Okay. So if there is considerable documentation
 16 in the research and development department, would
 17 that -- would I be able to tell from that considerable
 18 documentation the beginning date or the time when Braun
 19 started to devote considerable resources to this
 20 project?

21 MR. PATTON: Please note my objection.

22 THE WITNESS: I'm not equipped to answer that
 23 question.

24 MR. UELAND: Q Why aren't you equipped to answer

Page 91

1 that question?

2 A Because I'm not a technician and I'm not an
 3 expert on patents.

4 Q Well, I'm not asking a question about either
 5 patents or anything that I believe calls for technical
 6 expertise.

7 Sir, my question to you is simply -- you know,
 8 you are a business management director, right?

9 A Correct.

10 Q So did you have any management function for
 11 handling the budgets for new projects?

12 A No.

13 Q No responsibility for any budgeting for new
 14 projects?

15 A No.

16 Q Or the development of new projects?

17 A No.

18 Q Who had a responsibility for that?

19 A R & D director.

20 Q The R & D director.

21 Did they work with the business unit managers
 22 like yourselves, like yourself?

23 A On the development of projects, of course.

24 Q Uh-huh.

Page 92

1 A But the budget, the R & D budget was the
 2 responsibility of the R & D director.

3 Q Okay. And that would be -- in some instances it
 4 would be allocated to your department, right?

5 A Not my department.

6 Q Oh, to the R & D department?

7 A To the R & D shavers or R & D household.

8 Q I see. I see. I'm sorry. I think we're just
 9 talking past each other a little bit.

10 So you don't know, then, whether or not looking
 11 at those documents from R & D, whether or not I could
 12 tell if that was the point when Braun started devoting
 13 considerable resources to the project?

14 A Okay. Can I make another general observation?

15 Q Sure.

16 A And please cut me short if this is getting
 17 irrelevant.

18 At a certain point in a project, any project,
 19 considerable manpower resources in R & D and engineering
 20 start getting allocated, in packaging, in communication.
 21 And then at a certain point considerable sums of capital
 22 expenditure start being expended. And, first of all,
 23 you have to work out how much capital you need.

24 When you get to that stage, the resources being

Page 93

1 absorbed by a project are so great that the top
 2 management needs to know on a regular basis what's going
 3 on. That's what I mean by considerable resources.

4 Q Okay.

5 A To the extent that you're -- And, again, you'd
 6 have to talk to an expert in the R & D. To the extent
 7 that work is going on on the potential product idea,
 8 that's a completely different kettle of fish. That can
 9 be going on, as I already mentioned, for a long time
 10 until that specific project comes on to fruition.

11 And in the course of that work, it can also be
 12 that patents are being applied for.

13 Q Okay. How would I know, then, for any specific
 14 project when the expenditure of capital resources,
 15 considerable capital resources began? How would I
 16 determine that?

17 A You would -- well, you would have to go into
 18 the -- reconstruct when the equipment was ordered, you
 19 know, the molding presses, the tools and things like
 20 that.

21 If you have access to the financial information
 22 of the company, you could go back -- I don't know if
 23 it's still held in record, but that's where the
 24 information would be.

Gilbert Greaves April 29, 2005

Page 94

1 Q Is that documented for every specific project?
 2 A The capital expenditure?
 3 Q Uh-huh.
 4 A Oh, yes.
 5 Q Okay. Is that kept in a file specific to a
 6 specific project?
 7 A I would assume so.
 8 Q Okay. And do you ever recall reviewing those
 9 sorts of documents?
 10 A The cap ex.? Oh, yes.
 11 Q Did you ever have to approve any capital
 12 expenditures?
 13 A I signed off -- in my function as product line
 14 director, I would sign off on what was the so-called
 15 appropriation request which summarized the potential of
 16 the project, the financial projections and the capital
 17 expenditures.
 18 Q And do you recall signing off on an
 19 appropriation for the cleaning center project?
 20 A No, because I left shavers in March, 1997. So
 21 that was way before -- I don't know. It was -- I did
 22 not sign an appropriation request on this project during
 23 my time on shavers.
 24 Q So prior to 1997, then, Braun wasn't dedicating

Page 95

1 considerable financial resources toward the cleaning
 2 center project?
 3 MR. PATTON: Object to the form.
 4 THE WITNESS: I can't answer that, I don't know.
 5 MR. UELAND: Q But you hadn't approved any capital
 6 expenditures, that's right?
 7 A Prior to '97, no.
 8 Q Okay. Can we look at Defendant's Exhibit 41.
 9 Did you have a chance to review these before or did you
 10 primarily focus on the other document?
 11 A I haven't looked at this document at all.
 12 Q Fair enough.
 13 A Should I read the whole document?
 14 Q I'm really going to ask you about these
 15 individuals here. And I've already asked you about
 16 Mr. Pahl and Mr. Braun, Mr. Höser. So I guess -- and
 17 we've sort of talked a little bit about Matt Parker.
 18 But I guess my -- the only question I have for
 19 you about Matt Parker is, is he was not the person who
 20 succeeded your role right after you?
 21 A Correct.
 22 Q It was Mr. Hansen?
 23 A Correct on both counts, yes.
 24 Q But you don't know when Mr. Parker succeeded

Page 96

1 Mr. Hansen?
 2 A To the best of my recollection, Mr. Hansen was
 3 succeeded by a guy called Francois, F-R-A-N-C-O-I-S,
 4 Riston, R-I-S-T-O-N.
 5 Q Oh, so Matt Parker was not the direct successor
 6 to Mr. Hansen?
 7 A Correct.
 8 Q Okay.
 9 A To the best of my recollection. You should
 10 check.
 11 Q After Francois --
 12 A Riston, he is French.
 13 Q -- Riston, was it Matt Parker then, do you know,
 14 or was there anyone else?
 15 A I think, I'm not sure, it was then Matt Parker,
 16 I think.
 17 Q Would it stand to reason that Mr. Parker,
 18 Mr. Riston, or Mr. Hansen, depending on who was there at
 19 the time, that they would have signed off on the capital
 20 expenditure for the cleaning center project?
 21 A One of them would have, one of the three.
 22 Q Is that documentation kept by Braun?
 23 A To the best of my knowledge, yes, but I haven't
 24 been here for a year.

Page 97

1 Q But while you were here, Braun certainly kept
 2 track of cap ex. approvals, yes?
 3 A Yes.
 4 Q Down here at the bottom, you see the name Uwe
 5 Sievers?
 6 A Yes.
 7 Q Prior to -- I know that you've talked with
 8 Mr. Sievers about the deposition today. But prior to
 9 the conversations about the deposition, had you any
 10 occasion to speak with Mr. Sievers?
 11 A I can't remember talking to him until he told me
 12 about this matter.
 13 Q Okay.
 14 A About the deposition.
 15 Q He is listed as patent counsel. Is there any
 16 patent counsel within Braun that you can recall ever
 17 speaking to?
 18 MR. PATTON: You mean generally or about this?
 19 THE WITNESS: Generally or on this subject.
 20 MR. UELAND: Q Starting generally and then, you
 21 know, if it -- I mean, tell me, do you have
 22 conversations with patent counsel frequently or did you?
 23 A Yes.
 24 Q Okay. Related to the cleaning center project,

25 (Pages 94 to 97)

Gilbert Greaves April 29, 2005

Page 98

1 then, do you recall having conversations with patent
2 counsel?
3 A Excuse me, not on the cleaning center, I cannot
4 recollect any conversations.
5 Q Okay. So you don't recall having any
6 conversations with a gentleman named H.D. Klauer?
7 A With H.D. Klauer I cannot recollect any
8 conversations with the cleaning center.
9 Q You can go ahead and set those documents aside.
10 I want to ask you about some individuals who
11 may or may not have been associated with the cleaning
12 center project.
13 Do you remember a man named Peter Sartorius?
14 A No, I don't.
15 Q What about a man named Spiegel?
16 A No.
17 Q No? Ebner?
18 A No.
19 Q Mehles, M-E-H-L-E-S?
20 A No.
21 Q What about Pert?
22 A Who?
23 Q Pert, P-E-R-T?
24 A No.

Page 99

1 Q What about Oertel?
2 A No.
3 Q No?
4 A No.
5 Q None of these names are ringing a bell at all?
6 A No.
7 Q Besides the people that we've talked about in
8 response to the interrogatories, you know, Braun, Pahl,
9 Höser, and the designers and engineers, can you think of
10 anyone else that you would have talked to about the
11 cleaning center project?
12 A This is conjecture.
13 MR. PATTON: Well, don't guess.
14 THE WITNESS: No, I can't, I can't.
15 MR. UELAND: Q So without guessing, those are the
16 people you can remember?
17 MR. PATTON: Well, I think his testimony was that he
18 didn't talk to some of the people you listed.
19 THE WITNESS: I don't remember any of those -- I
20 hope there is no misunderstanding. Those names that you
21 just read --
22 MR. UELAND: Q The ones I just read --
23 A I cannot recollect.
24 Q -- starting with Mr. Sartorius.

Page 100

1 A Yes, I cannot recollect.
2 Q Okay.
3 A I'm sorry, I cannot recollect any of the names
4 you read.
5 Q Can you recollect any others than the ones we've
6 talked about today?
7 A As already mentioned, Mr. Höser.
8 Q Outside of Mr. Höser, anyone else?
9 A You're talking R & D?
10 Q I'm talking related to the cleaning center
11 project at all.
12 A Mr. Blueder.
13 Q Okay.
14 A Who I already mentioned, as well.
15 Q Anybody else?
16 A No.
17 Q You never talked to anybody in Braun's senior
18 management about this project?
19 A I cannot recollect doing so.
20 Q Ever? And not just as the business management
21 director, but including the time when you were director
22 of strategic planning?
23 A No. I cannot recollect any specific
24 conversations.

Page 101

1 MR. UELAND: I'm handing the witness what's been
2 previously marked as Defendant's Exhibit 36.
3 (Exhibit 36 previously marked and tendered.)
4 MR. UELAND: Q Can you just flip through that
5 document for me, sir, and let me know when you're done
6 reviewing it.
7 A Okay.
8 Q Have you finished looking at it?
9 A I've finished looking at it, yes.
10 Q If you see this document, it's entitled history
11 on how to clean a shaver, and it starts in 1950, do you
12 see that?
13 A Uh-huh.
14 Q During your time as the business management
15 director of dry shavers, when did you first become aware
16 of Braun's interest in developing or -- of Braun's
17 interest in ways of how to clean a shaver?
18 A My first specific detailed recollection is the
19 demonstration of the working model prototype by
20 Mr. Höser.
21 Q Okay. Before that demonstration were you aware
22 of any products that Braun sold that were shavers that
23 could be cleaned?
24 A Let me answer the question this way: Braun

26 (Pages 98 to 101)

Page 102

1 marketed a spray in an aerosol can which you sprayed on
2 the foil cutter block -- well, actually, no, on the
3 cutter block, you took the foil off, you sprayed the
4 cutter block, and then brushed the cutter block clean
5 with a brush. That had been on the market for years.
6 It was a manual cleaning system, if that answers your
7 question.

8 Q Were you aware of any other methods or products
9 that Braun sold that allowed a shaver to be washed or
10 cleaned?

11 A I can't remember any product.

12 Q So do you know if Braun sold a washable shaver?

13 A Braun sold in Japan in very small quantities a
14 washable shaver.

15 Q Do you know what that product -- do you know
16 about that product?

17 A Yes.

18 Q Okay. Can you describe for me what a washable
19 shaver is?

20 A At that time the definition of a washable shaver
21 was a waterproof shaver rechargeable that you could hold
22 under running water to wash out the hairs.

23 Q Okay. Do you know when Braun first began
24 selling that product?

Page 103

1 A To the best of my recollection when I took over
2 shavers in 1990, Braun was selling a product of this
3 type in small quantities in Japan.

4 Q Were they only selling it in Japan?

5 A To the best of my recollection, yes.

6 Q Okay. During your time as business management
7 director, did you ever come to evaluate consumer
8 satisfaction with that product?

9 A I can't recall doing it, no.

10 Q Do you recall ever receiving complaints from
11 consumers about that product?

12 A No, I can't recall. I can't recall.

13 Q Would you be made aware of any complaints from
14 consumers about that product?

15 MR. PATTON: Well, I object to the form of the
16 question. If he can't recall, how would he know?

17 MR. UELAND: Q Would consumer complaints generally
18 be brought to your attention as the business management
19 director?

20 MR. PATTON: Same objection.

21 THE WITNESS: If I may answer it in this way,
22 substantial major complaints on a major project -- on a
23 major product, yes, obviously.

24 MR. UELAND: Q Okay. And you don't recall

Page 104

1 receiving substantial major complaints about this
2 product?

3 A No.

4 Q Are you aware of any other products besides the
5 washable shaver sold in Japan that Braun sold or
6 marketed that relate to either cleaning of a dry shaver?

7 A No, I don't recall any.

8 Q Okay. Have you ever seen this document before,
9 the one that I've marked as Defendant's Exhibit 36?

10 A I don't recollect ever seeing it.

11 Q Okay. And forgive me, we went through your
12 employment history briefly this morning, but can you
13 tell me during your employment with Gillette and Braun
14 when you first had any interaction at all with dry
15 shavers?

16 A Sometime after joining Braun I switched from wet
17 to dry.

18 Q Okay. And you joined Braun again in?

19 A '79.

20 Q Okay.

21 A 1979.

22 Q And in 1979 do you know if Braun was interested
23 in developing a way to clean a shaver?

24 A I don't know. I can't -- I don't know.

Page 105

1 Q Is that because that just fell outside of your
2 responsibility or you don't remember?

3 A I don't remember plus when I joined Braun, I was
4 responsible for household products.

5 Q Okay. But including dry shavers, right?

6 A No, no, no, no, no.

7 Q Okay. I see.

8 A Household products exclusively, kitchen machines
9 and steamers from '79 to '90. And then from '90 to '97
10 dry shavers, electric shavers.

11 Q So 1990, then, is the first time you had --

12 A Direct responsibility, correct.

13 Q When did you have any responsibility?

14 A For?

15 Q Dry shavers.

16 A 1990, January, 1990. That's when I started.

17 Q Okay. I see. And in 1990 were they interested
18 in developing a way of how to clean a shaver?

19 A I can't remember. I can't remember. Again,
20 going back to my previous point, there is a whole lot of
21 activity going on in R & D all the time on a variety of
22 different projects.

23 Q Okay. If you look at this time line, the first
24 item listed on the time line is blowing.

27 (Pages 102 to 105)

Gilbert Greaves April 29, 2005

Page 106

1 Do you agree that blowing is a way to clean a
2 shaver?
3 A It is a way.
4 Q Okay. And that's something that's done manually
5 by consumers, right?
6 A Yes.
7 Q There is no product that needs to be sold,
8 right?
9 A Just blow it.
10 Q And then the next thing there is tap of foil
11 frame shaver runs/shakes.
12 Do you agree that that's a way to clean a
13 shaver?
14 A Yes, it gets rid of some of the dirt, yes.
15 Q And that, again, is something that's just
16 manually done by the consumer, right?
17 A Yes.
18 Q By the way, do either of those methods take a
19 lot of effort on behalf of the consumer?
20 A No.
21 Q Okay. The next thing that's listed -- well,
22 actually, there is a couple of things, but one of them
23 is ultrasonic cleaning after sales service.
24 Do you know what that refers to at all?

Page 107

1 A I assume that it's the same process that's used
2 with jewelry and ultrasonic waves that clean -- to clean
3 encrusted dirt.
4 Q Okay. But you don't know?
5 A I don't know the details.
6 Q Fair enough. Fair enough. If you follow the
7 arrow, you know, this one goes up, obviously, the
8 ultrasonic cleaning one, but there is one that goes
9 down. And it says cleaning box/sink. It says cleaning
10 wet and dry.
11 Do you know what that refers to?
12 A I understand cleaning wet and dry as already
13 mentioned, to holding the shaver under running water.
14 Q Okay.
15 A That would be my understanding. I don't
16 understand what cleaning box means -- Oh, I see sink
17 cleaning wet and dry. Is that what they mean? I don't
18 know. Wet and dry I can only understand holding a
19 shaver.
20 Q Under a faucet?
21 A Under a faucet, yes.
22 Q Fair enough. Going back above the line, it
23 says, quick cleaning cutter block beats against a rib.
24 Do you know what that refers to?

Page 108

1 A No, I don't understand what that means, no. No,
2 I don't understand that.
3 Q Okay. In these dark boxes do you see the ones
4 that are -- that have squares around them, one of them
5 says, and this has a line that points to 1960, it says
6 cleaning with water test at Braun?
7 A Yes.
8 Q And that obviously pre-dates your time of
9 employment with Braun?
10 A I was ten years old at the time.
11 Q And I was not even a twinkle.
12 Do you know, did you ever see the results of
13 that test?
14 A No, I can't recollect.
15 Q Do you know if Braun was interested in using
16 fluid or water to clean a shaver in 1960?
17 A I don't know, I don't know.
18 Q In 1965 you see that there is another cleaning
19 with water test done at Braun. My questions are, again,
20 did you ever see the results of these tests?
21 A I can't remember.
22 Q Okay.
23 A No recollection at all.
24 Q Okay. If these are research and development

Page 109

1 tests that were done by Braun, would they still have
2 them, do you think?
3 A I don't know.
4 Q You don't know?
5 A I can't answer the question. I can't answer the
6 question.
7 Q Do you know who would be able to answer that
8 question?
9 A No, no.
10 Q Would someone in research and development be
11 able to answer that question?
12 A I don't know. I really don't know. I can't
13 help you, I'm sorry.
14 Q Okay. Just if you were asked to try to find the
15 results of these tests that were done in 1965, would who
16 you go to?
17 A I don't know how to answer you. I don't know
18 where I'd start. I just don't know where I'd start.
19 Q No idea at all? I mean, I'm just asking --
20 again, this isn't a quiz. This is just, you know --
21 MR. PATTON: I suggest that he's answered it.
22 MR. UELAND: Q Don't know?
23 A I have no idea.
24 Q Fair enough. There is the next box, it's not

28 (Pages 106 to 109)

Gilbert Greaves April 29, 2005

Page 110

1 filled in, it says cleaning with rinsing water U.S.A
 2 a.Japan (AIR).
 3 A Yes.
 4 Q Do you know what that test refers to?
 5 A No.
 6 Q Do you know what that refers to at all?
 7 A No.
 8 Q What about dust was removed by suction device
 9 sometime between 1965 and 1970?
 10 A No idea.
 11 Q You don't know about any Braun products that
 12 removed dust from a shaver with a suction?
 13 A No.
 14 Q Let's turn to the next page.
 15 In 1975 -- I'm sorry, right around 1975 there
 16 is another cleaning with water test done at Braun?
 17 A No, I don't know anything about -- sorry, I'm
 18 sorry.
 19 MR. PATTON: No, no, I just need to look at the
 20 document.
 21 MR. UELAND: I do have a copy of this one, Bill, if
 22 you want to see it.
 23 Q I'm sorry, you said you don't know anything
 24 about that test?

Page 111

1 A No.
 2 Q And so you have never seen the results of that
 3 test?
 4 A No.
 5 Q You don't know if they still exist here at Braun
 6 or not?
 7 A I don't know.
 8 Q Do you see the market research cleaning habits
 9 Germany (Micron)?
 10 A I see it, yes.
 11 Q Who is Micron?
 12 A It was a brand name of a shaver.
 13 Q Okay. A shaver sold by Braun?
 14 A Sold by Braun, yes.
 15 Q Does this indicate to you that there was market
 16 research done about the cleaning habits of users of the
 17 Micron shaver?
 18 A I assume so, but I don't know. I assume so.
 19 Q So you've never seen the results of that test?
 20 A I don't remember ever seeing them, no.
 21 Q Prior to your time as being the business
 22 management director for dry shavers, do you know, has
 23 that position always existed at Braun?
 24 A Has which position?

Page 112

1 Q The business management director of dry shavers.
 2 A Put it this way, when I joined Braun in 1979
 3 there was a person responsible for Braun shavers.
 4 Q Okay. And so they would have been -- that
 5 position was -- there was such a position --
 6 A Yes.
 7 Q -- at the time this research was done?
 8 A Oh, yes, yes, yes.
 9 Q Is this the sort of market research that you
 10 would have typically seen as the business management
 11 director for dry shavers?
 12 MR. PATTON: Object to the form of the question.
 13 How can he know? He knows nothing about this research.
 14 He just testified he doesn't know anything about the
 15 research.
 16 MR. UELAND: Q Can you answer it?
 17 A Could you repeat it.
 18 Q I asked, you know, in your role as business
 19 management director and this morning we talked about the
 20 fact that you were shown market research about consumer
 21 preferences, so my question to you is, would this market
 22 research on the cleaning habits of users of the Micron
 23 shaver, would that something be that would generally be
 24 presented to you?

Page 113

1 MR. PATTON: I'm sorry, I object to the form of the
 2 question.
 3 THE WITNESS: Let me --
 4 MR. UELAND: Q It's a simple question, sir. I
 5 mean, it's just yes or no. You know, is this the sort
 6 of thing you would see?
 7 MR. PATTON: The problem is he's testified he
 8 doesn't know what this is.
 9 MR. UELAND: Q All right. Let me ask you this
 10 way: If there was -- Were there ever studies done about
 11 the cleaning habits of users of Braun shavers during the
 12 time that you were the business management director?
 13 A I can't recall. I can't recall if studies
 14 specifically on that subject were done.
 15 Q On, specifically, the subject of the particular
 16 habits?
 17 A I can't recall studies having been done.
 18 Q But do you recall studies being done of Braun
 19 consumers, people who use Braun dry shavers?
 20 A I can recall the product placement tests and
 21 crossover placement tests, yes.
 22 Q Okay.
 23 A Which I commissioned.
 24 Q They're market research done about Braun users?

29 (Pages 110 to 113)

Gilbert Greaves April 29, 2005

Page 114

1 A Or competitive users, yes.
 2 Q And were you shown the results of those tests?
 3 A Yes, I commissioned them, yes, I was, I received
 4 them.
 5 Q And I guess -- And you can answer. If you can't
 6 answer the question, that's fine, but does this sound
 7 like the sort of test that a business management
 8 director would commission or see the results of?
 9 Your objection will stand.
 10 MR. PATTON: Okay.
 11 THE WITNESS: I can't judge how the guy running
 12 shavers between -- in this period handled his business.
 13 It would be complete supposition, totally worthless.
 14 MR. UELAND: Q So you don't know?
 15 A I just don't know how he ran his business.
 16 Q Do you see in 1985 -- I'm sorry, let's go back a
 17 little bit.
 18 We see cleaning with water, U.S.A., Japan and
 19 Europa, it says, it might mean Europe, but I'm not sure,
 20 and then it says (Panasonic).
 21 Do you see that, sir?
 22 A Yes.
 23 Q Who is Panasonic?
 24 A Panasonic is the name used by National in the

Page 115

1 United States.
 2 Q Is National a competitor of Braun?
 3 A It's a -- I think the company is called
 4 Matsushita, a big Japanese conglomerate. Their brand
 5 name in Japan is National.
 6 Q National?
 7 A And in the United States it's Panasonic.
 8 Q Did they sell shavers in Germany?
 9 A Yes, yes.
 10 Q Are they a competitor of Braun's?
 11 A A major competitor in Japan.
 12 Q Major in Japan?
 13 A Yes.
 14 Q What about in the United States?
 15 A To the best of my recollection, a minor player
 16 in the market.
 17 Q What about Europe?
 18 A Also a minor player.
 19 Q Okay. Do you know what that refers to, the
 20 cleaning with water and then (Panasonic)?
 21 A I don't know. I don't know.
 22 Q So you don't know if Panasonic had a product
 23 that could be cleaned with water?
 24 A In Japan they had and still have -- well, they

Page 116

1 had and had up to 2004 shavers which could be cleaned
 2 under the tap.
 3 Q Okay. And those are similar to the washable
 4 shavers that Braun sold in Japan?
 5 A Yes.
 6 Q Okay. Okay. But you don't know if that refers
 7 to that here?
 8 A I don't know.
 9 Q Okay. What about cleaning with water U.S.A.,
 10 Japan, and Europa, Panasonic Lady Shaver, is that the
 11 same thing, you don't recall?
 12 A I don't recall.
 13 Q Above the line in 1985 it says market research,
 14 comparison cleaning Phillips/Braun, and then it says
 15 Sweden.
 16 Do you see that?
 17 A Yes, I see it, but I don't know.
 18 Q Okay. That indicates that market research was
 19 done in that time period, though, right?
 20 A I can't tell.
 21 Q Stand to reason?
 22 A I don't know.
 23 Q You never seen the results of this test?
 24 A No, no.

Page 117

1 Q Okay. Do you know if this is something that was
 2 commissioned by Braun?
 3 A I don't know. I don't know.
 4 Q Is your answer about who I would ask if I was
 5 interested in seeing this market research the same as
 6 it's been for previous test results?
 7 A Well, let me answer, this is completely
 8 hypothetical. If this is a market research result and
 9 if the archives go back to 1985, it might still be
 10 there.
 11 Q Okay.
 12 A That's all I can say.
 13 Q Fine. You don't know how far the archives go
 14 back?
 15 A No, I don't know how far the archives go back.
 16 Q Do you know what Braun's -- do they have a
 17 document retention policy? Sorry.
 18 Does Braun have a document retention policy?
 19 A I don't know. I mean, Braun conforms with
 20 Sarbanes-Oxley. I don't know the existence of a formal
 21 set of guidelines on retention of documents.
 22 Q Fair enough.
 23 MR. UELAND: We have to change the tape, so let's go
 24 off the record.

30 (Pages 114 to 117)